



# PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION  
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DA 98-2604  
December 23, 1998

## AUCTION OF C, D, E, AND F BLOCK BROADBAND PCS LICENSES

### Notice and Filing Requirements for Auction of C, D, E, and F Block Broadband Personal Communications Services Licenses Scheduled for March 23, 1999

#### Minimum Opening Bids and Other Procedural Issues

Report No. AUC-98-22-C (Auction No. 22)

#### 1. INTRODUCTION

This Public Notice announces the procedures and minimum opening bids for the upcoming auction (Auction No. 22) of broadband Personal Communications Services (PCS) spectrum in the C, D, E, and F blocks. On November 12, 1998, the Wireless Telecommunications Bureau ("Bureau") released a Public Notice,<sup>1</sup> announcing its plans to establish minimum opening bids for the auction of C block spectrum in Auction No. 22, in accordance with the Balanced Budget Act of 1997.<sup>2</sup> In addition, the Bureau sought comment on a number of procedures to be used in

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<sup>1</sup> See "C Block PCS spectrum Auction Scheduled for March 23, 1999; Comment Sought on Auction Procedural Issues," *Public Notice*, DA 98-2318 (rel. November 12, 1998) ("*Procedural Public Notice I*"); 63 FR 66,172 (December 1, 1998).

<sup>2</sup> Section 3002(a), Balanced Budget Act of 1997, Pub. L. 105-33, 111 Stat. 251 (1997) ("Budget Act"); 47 U.S.C. § 309(j)(4)(F). The Commission's authority to establish a reserve price or minimum opening bid is set forth in 47 C.F.R. § 1.2104(c) and (d).

Auction No. 22.<sup>3</sup> On November 19, 1998, the Bureau released a second Public Notice,<sup>4</sup> providing additional and corrected information about Auction No. 22, including the addition of spectrum in the D, E, and F blocks. The Bureau received comments in response to one or both of the two procedural Public Notices from the following parties: Airadigm Communications, Inc. ("Airadigm"); Americana PCS L.L.C. ("Americana"); DiGiPH PCS, Inc. ("DiGiPH"); Mountain Solutions Ltd. ("Mountain Solutions"); Omnipoint Corporation ("Omnipoint");<sup>5</sup> and The Rural Telecommunications Group ("RTG").

***Licenses to Be Auctioned:***

The Federal Communications Commission ("FCC" or "Commission") will hold an auction, Auction No. 22, for 134 15-MHz and 208 30-MHz C block licenses, as well as for three D, six E, and five F block licenses. A list of the licenses that will be available in Auction No. 22 is included at Attachment A.

***Auction Date:*** The auction will begin on March 23, 1999. The initial schedule for bidding will be announced by public notice at least one week before the start of the auction. Unless otherwise announced, bidding will be conducted each business day and will continue until bidding has stopped on all licenses.

***Auction Title:*** Auction No. 22 (C, D, E, and F Block Broadband PCS).

***Bidding Methodology:*** Simultaneous multiple round bidding. Bidding will be permitted only from remote locations, either electronically (by computer) or telephonically.

***Pre-Auction Deadlines:***

- Auction Seminar . . . . . February 3, 1999
- Short Form Application (FCC Form 175) February 12, 1999; 5:30 p.m. ET
- Upfront Payments (via wire transfer) . . . . . March 1, 1999; 6:00 p.m. ET
- Orders for Remote Bidding Software . . . . . March 9, 1999
- Mock Auction . . . . . March 18, 1999

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<sup>3</sup> *Procedural Public Notice I* at 4-12.

<sup>4</sup> See "Additional Information Regarding Broadband PCS Spectrum Included in the Auction Scheduled for March 23, 1999; Comment Sought on Auction Procedural Issues," *Public Notice*, DA 98-2337 (rel. November 19, 1998) ("*Procedural Public Notice II*"); 63 FR 66,176 (December 1, 1998).

<sup>5</sup> See also Letter to Magalie Roman Salas, Secretary, Federal Communications Commission, from Mark J. O'Connor, Piper & Marbury, L.L.P., Counsel for Omnipoint Corporation (December 10, 1998) (describing substance of December 9, 1998 meeting, and enclosing written presentation made at that meeting, regarding minimum opening bid, bid increment, and bidding credit issues connected with the auction of C block licenses in Auction No. 22).

**Telephone Contacts:**

- FCC National Call Center . . . . . (888) CALL-FCC ((888) 225-5322) or (717) 338-2888 (direct dial)

*For Bidder Information Packages, General Auction Information, and Seminar Registration, press option #2 at the prompt. Hours of service: 8 a.m. - 5:30 p.m. ET.*

- FCC Technical Support Hotline . . . . . (202) 414-1250 (voice), (202) 414-1255 (text telephone (TTY))

*Hours of service: 8 a.m. - 6 p.m. ET, Monday - Friday*

**List of Attachments:**

- Attachment A Summary of Licenses to be Auctioned, Upfront Payments, Minimum Opening Bids
- Attachment B . . . . . Guidelines for Completion of FCC Forms 175 and 159, and Exhibits
- Attachment C . . . . . Electronic Filing and Review of FCC Form 175
- Attachment D . . . . . Summary Listing of Documents from the Commission and the Wireless Telecommunications Bureau Addressing Application of the Anti-Collusion Rules

**Background:**

Broadband PCS encompasses a variety of mobile and/or portable radio services, using such devices as small, lightweight, multifunction portable phones, portable fax machines, and advanced devices with two-way data capabilities that are competing with existing cellular, paging, and other land mobile services. Auction No. 22 will be the third auction of C block spectrum and the second auction of D, E, and F block spectrum.

Frequency blocks C and F have been designated by the Commission as "entrepreneurs' blocks," meaning that participation in auctions of C and F block licenses is limited to entities qualifying under the Commission's rules as entrepreneurs.<sup>6</sup> Eligibility requirements for participation in auctions of C or F block licenses are discussed in greater detail below in Part 2 of this Public Notice.

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<sup>6</sup> Section 24.709 of the Commission's rules defines an entrepreneur for purposes of C and F block auctions without actually using the term 'entrepreneur':

No application is acceptable for filing and no license shall be granted for frequency block C or frequency block F, unless the applicant, together with its affiliates and persons or entities that hold interests in the applicant and their affiliates, have gross revenues of less than \$125 million in each of the last two years and total assets of less than \$500 million at the time the applicant's short-form application (Form 175) is filed.

47 C.F.R. § 24.709(a)(1).

Frequency block C encompasses 1895-1910 MHz paired with 1975-1990 MHz. In the first C block auction (Auction No. 5), which began on December 18, 1995 and concluded on May 6, 1996, the Commission auctioned licenses authorizing service on 30 MHz of spectrum in each of the 493 basic trading areas ("BTAs") in the United States and territories. In the second C block auction (Auction No. 10), the Commission made available 18 licenses of 30 MHz of spectrum each. Auction No. 10 ran from July 3, 1996 to July 16, 1996. Certain C block licenses available in Auction No. 22 will encompass 15 MHz of spectrum, rather than 30 MHz.<sup>7</sup> The size of each license to be auctioned is indicated in Attachment A.

The D, E, & F block auction (Auction No. 11) began on August 26, 1996 and concluded on January 14, 1997. The D and E blocks were open to all entities. As mentioned, the F block was restricted to entrepreneurs. In Auction No. 11, the Commission made available 1,479 broadband PCS licenses (three in each of 493 BTAs in the United States and territories) of 10 MHz (5 MHz paired) each, encompassing the following frequencies:

D block:	1865-1870/1945-1950 MHz
E block:	1885-1890/1965-1970 MHz
F block:	1890-1895/1970/1975 MHz

***Due Diligence:***

Potential bidders are reminded that private and common carrier fixed microwave services ("FMS") operating in the 1850-1990 MHz band (and other bands) are being relocated to available frequencies in higher bands or to other media. Bidders should become familiar with the status of FMS operation and relocation, and applicable Commission rules and orders, in order to make a reasoned, appropriate decision about their participation in Auction No. 22 and their bidding strategy.<sup>8</sup>

Potential bidders should be aware that certain applications (including those for modification), waiver requests, petitions for reconsideration and applications for review are pending before the Commission that relate to C, D, E, and F block licensees. We note that resolution of these matters could have an effect on the availability of spectrum. In addition, while

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<sup>7</sup> The Commission provided C block licensees from Auctions No. 5 and 10 with a variety of payment options, including the option of disaggregating and returning to the Commission 15 MHz of spectrum from their licenses. See Amendment of the Commission's Rules Regarding Installment Payment Financing for Personal Communications Services (PCS) Licensees, WT Docket No. 97-82, *Second Report and Order and Further Notice of Proposed Rule Making*, 12 FCC Rcd 16,436, 16,439-40 paras. 6-7, 16,452-58 paras. 32-45 (1997) ("*C Block Second Report and Order and Further Notice*"); Amendment of the Commission's Rules Regarding Installment Payment Financing For Personal Communications (PCS) Licensees, WT Docket No. 97-82, *Order on Reconsideration of the Second Report and Order*, 13 FCC Rcd 8345, 8350 paras. 13-14, 8366-71 paras. 49-60 (1998) ("*C Block Reconsideration Order*"). As a result, certain existing C block licenses are 15 MHz licenses, as are certain of the C block licenses to be auctioned in Auction No. 22.

<sup>8</sup> See, e.g., 47 C.F.R. §§ 15.307, 24.5, 24.237 - 24.253, 101.3, 101.69 - 101.81, and 101.147; Amendment to the Commission's Rules Regarding a Plan for Sharing the Costs of Microwave Relocation, *Second Report and Order*, 12 FCC Rcd 2705 (1997); Amendment to the Commission's Rules Regarding a Plan for Sharing the Costs of Microwave Relocation, *First Report and Order and Further Notice of Proposed Rule Making*, 11 FCC Rcd 8825 (1996).

the Commission will continue to act on pending applications, requests and petitions, some of these matters may not be resolved by the time of the auction.

In notes to the Attachments to *Procedural Public Notice I* and *II*, the Bureau identified certain licenses that will be included in Auction No. 22 as being the subject of pending Commission or judicial proceedings.<sup>9</sup> In their comments, DiGiPH and Mountain Solutions both raise questions about the identified licenses. DiGiPH states that the Commission should fully disclose what will happen in the event that the licenses subsequently revert to the prior license holder.<sup>10</sup> DiGiPH requests a status report on pending bankruptcy litigation involving DCR PCS, Inc. (a wholly owned subsidiary of Pocket, Communications, Inc.) and asks a series of additional questions.

DiGiPH asks first whether a license involved in a pending proceeding will be granted at the close of the auction or, instead, only after final adjudication of the pending proceeding and any appeals.<sup>11</sup> We have said in analogous situations that such a license will be granted at the close of the auction in order to serve the public interest in prompt implementation of PCS service and that the grant of such a license will be conditioned on the outcome of pending proceedings.<sup>12</sup> We will follow this precedent with Auction No. 22. DiGiPH also asks whether such a license will revert to the appellant if a pending appeal is successful.<sup>13</sup> As we have stated previously, a license grant that is conditioned on the outcome of a pending proceeding may be undone if the basis for the grant is reversed as a result of the outcome of the proceeding.<sup>14</sup> For this reason, applicants have a responsibility to familiarize themselves with all pending administrative or judicial proceedings that may affect the licenses on which applicants might wish to bid.

DiGiPH also wants to know whether the winning bidder of a license that is subject to a pending proceeding will be required to tender payment in full on the same schedule as for other licenses and, if so, what will happen to the funds paid by the winning bidder if the appellant in a pending appeal is successful. DiGiPH asks whether the funds will be returned and interest on

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<sup>9</sup> *Procedural Public Notice I* at Attachment A, note 2, and *Procedural Public Notice II* at Attachment, note 2.

<sup>10</sup> DiGiPH Comments at 1-2.

<sup>11</sup> *Id.* at 2.

<sup>12</sup> *See* Application of Wireless Co., L.P. for a License to Provide Broadband PCS Service on Block A in the San Francisco Major Trading Area, *Order*, 10 FCC Rcd 13233, 13236 paras. 9, 11 (W.T.B. 1995) ("*Wireless Co.*") (denial of petitions to deny applications for A and B block PCS licenses in the San Francisco and Boston major trading areas pending resolution of litigation addressing petitioners' pioneer preference requests for these markets).

<sup>13</sup> DiGiPH Comments at 2.

<sup>14</sup> *See, e.g.*, Auction of Interactive Video and Data Service Licenses Scheduled to Begin February 18, 1997, *Order*, 12 FCC Rcd 19, 21-22 para. 5 (W.T.B. 1997) (denial of emergency motions for stay and for partial stay of Interactive Video and Data Services auction pending resolution of DC Circuit Court of Appeals cases); *Wireless Co.*, 10 FCC Rcd at 13236-37 paras. 9, 14.

those funds paid. DiGiPH further asks what will happen if a winning bidder proceeds with construction and a pending appeal is successful.<sup>15</sup>

Winning bidders of licenses subject to pending proceedings are required to meet the normal payment and construction schedules established by the Commission. The risk that a pending proceeding might ultimately displace a winning bidder must be taken into account by auction participants as they formulate and pursue their bidding strategies.<sup>16</sup> The Commission has not addressed directly whether, if an applicant becomes ineligible to hold a license because the initiator of a pending proceeding is successful, the Commission will return the payments made for the license by the applicant. This issue will be addressed separately.<sup>17</sup>

The comments of Mountain Solutions concern licenses that might be affected by its own pending proceeding. Mountain Solutions was the high bidder for ten licenses in the original C block auction and two licenses in the second C block auction, Auction No. 10; and it is in default on its payment obligations from both auctions. Mountain Solutions filed a request for a waiver of the second down payment deadline for the licenses from the first C block auction and is pursuing a judicial appeal of the Commission's denial of that waiver request.<sup>18</sup> Under the Commission's rules, Mountain Solutions became obligated for its winning bid amounts when the auction closed.<sup>19</sup> Mountain Solutions recognizes that under the Commission's rules, it is liable for the difference between its original bid price for the licenses and the subsequent winning bids for the licenses.<sup>20</sup> Mountain Solutions contends that, because of its pending judicial proceeding, the price bid for the licenses in Auction No. 22 will likely be lower than they would were there no such proceeding pending, and that Mountain Solutions' default payment would be increased

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<sup>15</sup> DiGiPH Comments at 2-3.

<sup>16</sup> *See Wireless Co.*, 10 FCC Rcd at 13236, 13237 paras. 11, 14.

<sup>17</sup> Regardless of how this issue is resolved, the Commission lacks explicit authority to pay interest on such payments and, accordingly, will not do so. We note, by way of example, that unsuccessful bidders in Commission auctions do not earn interest on their upfront payments or down payments. Rather, the accrued interest on these funds is transferred to the Telecommunications Development Fund. *See* Communications Act § 309(j)(8)(C), 47 U.S.C. § 309(j)(8)(C); 47 C.F.R. §§ 1.2106(a) and 1.2107(b).

<sup>18</sup> Mountain Solutions Comments at 1-3; *see* Mountain Solutions Ltd., Inc. Emergency Petition for Waiver of Section 24.711(a)(2) of the Commission's Rules Regarding Various BTA Markets in the Broadband Personal Communications Services (PCS) C Block Auction, *Memorandum Opinion and Order*, FCC 98-220 (rel. October 1, 1998), *appeal docketed*, No. 98-1503 (D.C. Cir. October 30, 1998).

<sup>19</sup> 47 C.F.R. § 1.2104(g)(2).

<sup>20</sup> Mountain Solutions Comments at 2. Under the Commission's rules, Mountain Solutions is also liable for an additional payment equal to 3 percent of the subsequent winning bids for those licenses. 47 C.F.R. § 1.2104(g)(2).

accordingly.<sup>21</sup> Mountain Solutions asks that we postpone auctioning the spectrum associated with its defaulted licenses until after a final resolution of its judicial appeal.<sup>22</sup>

Because Mountain Solutions is in default on its payment obligations from the two C block auctions, the licenses have never been awarded to Mountain Solutions. It is in the public interest to include those licenses in Auction No. 22, not only because to do so will likely speed ultimate service to the public, but also because a simultaneous auction of licenses for several markets -- even with the aforementioned proceeding pending -- will better reflect the value of the licenses than would an auction that includes only the licenses claimed by Mountain Solutions. Accordingly, the licenses will be offered in Auction No. 22. The Bureau will dismiss Mountain Solutions' pending license applications in advance of the auction.

Licensing information is contained in the Commission's licensing database, which is available for inspection in the Wireless Telecommunications Bureau's Public Reference Rooms, located at 2025 M Street, N.W., Room 5608, Washington, D.C. 20554, and 1270 Fairfield Road, Gettysburg, PA 17325. **In a future public notice, the Bureau will provide the new location of the Commission's licensing database in the Portals building.**

In addition, potential bidders may search for information regarding C, D, E, and F block licenses at the Universal Licensing System site on the FCC Network. Accessing this network involves using the FCC's Dial-Up Networking facility to dial 800-844-2784. Once the connection is established, users point their Internet browser at <http://wtbwww05.fcc.gov/> and click the License Search button. On the License Search screen, choose Market-Based from the menu. On the License Search criteria screen, specify the desired Market, Channel Block, or other desired criteria, then click the Search button. Any telephone inquiries regarding accessing this data should be directed to the Technical Support Hotline at (202) 414-1250 (voice) or (202) 414-1255 (text telephone (TTY)).

**The Commission makes no representations or guarantees regarding the accuracy or completeness of information that has been provided by incumbent licensees and incorporated into the database. Potential bidders are strongly encouraged to physically inspect any sites located in or near the geographic area for which they plan to bid.**

***Participation:*** Those wishing to participate in the auction must:

- Electronically submit a short form application (FCC Form 175) by February 12, 1999.
- Submit a sufficient upfront payment and an FCC Remittance Advice Form (FCC Form 159) by March 1, 1999.
- Comply with all provisions outlined in the Bidder Information Package.

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<sup>21</sup> Mountain Solutions Comments at 1-2.

<sup>22</sup> *Id.*

**Prohibition of Collusion:** To ensure the competitiveness and integrity of the auction process, the Commission's Rules prohibit applicants for the same geographic license area from communicating with each other during the auction about bids, bidding strategies, or settlements. This prohibition begins with the filing of short-form applications, and ends on the down payment due date. Bidders competing for the same license(s) are encouraged not to use the same individual as an authorized bidder. A violation of the anti-collusion rule could occur if an individual acts as the authorized bidder for two or more competing applicants, and conveys information concerning the substance of bids or bidding strategies between the bidders he/she is authorized to represent in the auction. Also, if the authorized bidders are different individuals employed by the same organization (e.g., law firm or consulting firm), a violation could similarly occur. At a minimum, in such a case, applicants should certify that precautionary steps have been taken to prevent communication between authorized bidders and that applicants and their bidding agents will comply with the anti-collusion rule.<sup>23</sup> The Bureau, however, cautions that merely filing a certifying statement as part of an application will not outweigh specific evidence that collusive behavior has occurred nor will it preclude the initiation of an investigation when warranted.<sup>24</sup> In Auction No. 22, for example, the rule would apply to any applicants bidding for the same BTA. Therefore, applicants that apply to bid for "all markets" would be precluded from communicating with all other applicants after filing the FCC Form 175. However, applicants may enter into bidding agreements *before* filing their FCC Form 175 short-form applications, as long as they disclose the existence of the agreement(s) in their Form 175 short-form applications.<sup>25</sup> By signing their FCC Form 175 short form applications, applicants are certifying their compliance with Section 1.2105(c). In addition, Section 1.65 of the Commission's Rules requires an applicant to **maintain** the accuracy and completeness of information furnished in its pending application and to notify the Commission within 30 days of any substantial change that may be of decisional significance to that application.<sup>26</sup> Thus, Section 1.65 requires an auction applicant to notify the Commission of any violation of the anti-collusion rules upon learning of such violation. Bidders are therefore required to make such notification to the Commission immediately upon discovery.

**Bidder Information Package:** More complete details about this auction are contained in a Bidder Information Package. The Commission will provide one copy to each company free of charge. Additional copies may be ordered at a cost of \$16.00 each, including postage, payable by Visa or Master Card, or by check payable to "Federal Communications Commission" or "FCC." To place an order, contact the FCC National Call Center at (888) CALL-FCC ((888) 225-5322, press option #2 at the prompt). Prospective bidders that have already contacted the FCC at this

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<sup>23</sup> See, e.g., "Wireless Telecommunications Bureau Responds to Questions About the Local Multipoint Distribution Service Auction," *Public Notice*, 13 FCC Rcd 341 (1998); In re Application of Nevada Wireless for a License to Provide 800 MHz Specialized Mobile Radio Service in the Farmington, NM-CO Economic Area (EA-155) Frequency Band A, *Memorandum Opinion and Order*, 13 FCC Rcd 11973, 11977 para. 11 (1998) ("*Nevada Wireless*").

<sup>24</sup> See *id.* at 11978 para. 13.

<sup>25</sup> See 47 C.F.R. § 1.2105(c).

<sup>26</sup> See *id.* § 1.65.

number expressing an interest in this auction will receive a Bidder Information Package in approximately four weeks, and need not call again unless they wish to order additional copies.

**Relevant Authority:** Prospective bidders must familiarize themselves thoroughly with the Commission's Rules relating to Broadband PCS contained in Title 47, Part 24, of the Code of Federal Regulations, and those relating to application and auction procedures, contained in Title 47, Part 1, of the Code of Federal Regulations.

Prospective bidders must also be thoroughly familiar with the procedures, terms and conditions contained in the *C Block Second Report and Order and Further Notice of Proposed Rule Making*,<sup>27</sup> the *C Block Reconsideration Order*,<sup>28</sup> the *C Block Fourth Report and Order*,<sup>29</sup> Part 24, Subparts A, B, C, E, H, and I, of the Commission's Rules concerning broadband PCS and Part 1, Subpart Q, of the Commission's Rules concerning competitive bidding proceedings.

The terms contained in the Commission's Rules, relevant orders, public notices and bidder information package are not negotiable. The Commission may amend or supplement the information contained in our public notices or the bidder information package at any time, and will issue public notices to convey any new or supplemental information to bidders. It is the responsibility of all prospective bidders to remain current with all Commission Rules and with all public notices pertaining to this auction. Copies of most Commission documents, including public notices, can be retrieved from the FCC Internet node via anonymous ftp @ftp.fcc.gov or the FCC World Wide Web site at <http://www.fcc.gov/wtb/auctions>. Additionally, documents may be obtained for a fee by calling the Commission's copy contractor, International Transcription Service, Inc. (ITS), at (202) 857-3800. When ordering documents from ITS, please provide the appropriate FCC number (e.g., FCC 97-342 for the *C Block Second Report and Order and Further Notice of Proposed Rule Making*, FCC 98-46 for the *C Block Reconsideration Order*, and FCC 98-176 for the *C Block Fourth Report and Order*).

**Bidder Alerts:** The FCC makes no representations or warranties about the use of this spectrum for particular services. Applicants should be aware that an FCC auction represents an opportunity to become an FCC licensee in this service, subject to certain conditions and regulations. An FCC auction does not constitute an endorsement by the FCC of any particular services, technologies or products, nor does an FCC license constitute a guarantee of business success. Applicants should perform their individual due diligence before proceeding as they would with any new business venture.

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<sup>27</sup> *C Block Second Report and Order and Further Notice*, 12 FCC Rcd 16,436.

<sup>28</sup> *C Block Reconsideration Order*, 13 FCC Rcd 8345.

<sup>29</sup> Amendment of the Commission's Rules Regarding Installment Payment Financing for Personal Communications Services (PCS) Licenses, *Fourth Report and Order*, FCC 98-176 (rel. August 19, 1998) ("*C Block Fourth Report and Order*").

As is the case with many business investment opportunities, some unscrupulous entrepreneurs may attempt to use Auction No. 22 to deceive and defraud unsuspecting investors. Common warning signals of fraud include the following:

- The first contact is a "cold call" from a telemarketer, or is made in response to an inquiry prompted by a radio or television infomercial.
- The offering materials used to invest in the venture appear to be targeted at IRA funds, for example by including all documents and papers needed for the transfer of funds maintained in IRA accounts.
- The amount of the minimum investment is less than \$25,000.
- The sales representative makes verbal representations that: (a) the Internal Revenue Service ("IRS"), Federal Trade Commission ("FTC"), Securities and Exchange Commission ("SEC"), FCC, or other government agency has approved the investment; (b) the investment is not subject to state or federal securities laws; or (c) the investment will yield unrealistically high short-term profits. In addition, the offering materials often include copies of actual FCC releases, or quotes from FCC personnel, giving the appearance of FCC knowledge or approval of the solicitation.

Information about deceptive telemarketing investment schemes is available from the FTC at (202) 326-2222 and from the SEC at (202) 942-7040. Complaints about specific deceptive telemarketing investment schemes should be directed to the FTC, the SEC, or the National Fraud Information Center at (800) 876-7060. Consumers who have concerns about specific proposals regarding Auction No. 22 may also call the FCC National Call Center at (888) CALL-FCC ((888) 225-5322).

## **NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) REQUIREMENTS**

Licensees must comply with the Commission's rules regarding the National Environmental Policy Act (NEPA). The construction of a wireless antenna facility is a federal action and licensees must comply with the Commission's NEPA rules for each wireless facility. See 47 C.F.R. §§ 1.1305-1.1319. The Commission's NEPA rules require that, among other things, licensees consult with expert agencies having NEPA responsibilities, including the U.S. Fish and Wildlife Service, the State Historic Preservation Office, the Army Corp of Engineers and the Federal Emergency Management Agency (through the local authority with jurisdiction over floodplains). Licensees must prepare environmental assessments for wireless facilities that may have a significant impact in or on wilderness areas, wildlife preserves, threatened or endangered species or designated critical habitats, historical or archaeological sites, Indian religious sites, floodplains, and surface features. Licensees must also prepare environmental assessments for wireless facilities that include high intensity white lights in residential neighborhoods or excessive radiofrequency emission.

## 2. ELIGIBILITY

### A. General Requirements

All applicants must certify on their FCC Form 175 applications under penalty of perjury that they are legally, technically, financially and otherwise qualified to hold a license and, as discussed below in Part 2.D (Special C Block Eligibility Provisions Regarding Defaulters), that they are not in default on any payment for Commission licenses (including down payments) or delinquent on any non-tax debt owed to any Federal agency. In order to be eligible to bid for a C block license, an applicant must also attach to its FCC Form 175 application a statement made under penalty of perjury indicating whether or not the applicant has ever been in default on any Commission licenses or has ever been delinquent on any non-tax debt owed to any federal agency (*see infra* Part 2.D.). Prospective bidders are reminded that submission of a false certification to the Commission is a serious matter that may result in severe penalties, including monetary forfeitures, license revocations, exclusion from participation in future auctions, and/or criminal prosecution.

### B. Eligibility to Participate As An Entrepreneur (C and F Blocks)

#### (1) General Rule

Only entrepreneurs may be licensed in the C and F blocks. Section 24.709 of the Commission's rules defines an entrepreneur for purposes of C and F block auctions without actually using the term 'entrepreneur':

No application is acceptable for filing and no license shall be granted for frequency block C or frequency block F, unless the applicant, together with its affiliates and persons or entities that hold interests in the applicant and their affiliates, have gross revenues of less than \$125 million in each of the last two years and total assets of less than \$500 million at the time the applicant's short-form application (Form 175) is filed.<sup>30</sup>

#### (2) Limited Exception for C Block

Applicants that participated in either of the prior C block auctions, Auction No. 5 and Auction No. 10, will not be required for Auction No. 22 to meet the revenue and asset requirements of Section 24.709 of the Commission's rules.<sup>31</sup>

### C. Attribution Rules

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<sup>30</sup> 47 C.F.R. § 24.709(a)(1); *see also id.* § 24.709(a)(2).

<sup>31</sup> *C Block Fourth Report and Order* at paras. 13-16; 47 C.F.R. § 24.709(b)(9)(i).

The attribution rules set forth in Section 24.709 of the Commission's rules will apply to Auction No. 22.<sup>32</sup>

#### **D. Special C Block Eligibility Provisions Regarding Defaulters**

The Commission decided in the *C Block Fourth Report and Order* to limit participation in future C block auctions to applicants that are not in default on any Commission licenses and are not delinquent on any non-tax debt owed to any Federal agency.<sup>33</sup> Accordingly, to be able to bid on C block licenses, an applicant must certify on its FCC Form 175 application that it is not in default on any Commission licenses and that it is not delinquent on any non-tax debt owed to any Federal agency.<sup>34</sup> In addition, to be able to bid on C block licenses, an applicant must attach to its FCC Form 175 application a statement made under penalty of perjury indicating whether or not the applicant has ever been in default on any Commission licenses or has ever been delinquent on any non-tax debt owed to any federal agency.<sup>35</sup> **C block applicants must include this statement at Exhibit F of the FCC Form 175.**

"Former defaulters," i.e., applicants that have defaulted or been delinquent in the past, but that have since paid all of their outstanding non-tax debts and all associated charges or penalties, are eligible to bid on C block licenses, provided that they are otherwise qualified.<sup>36</sup> However, as discussed *infra* in Part 3.C.(3), former defaulters will be required to pay upfront payments that are fifty percent more than the normal upfront payment amounts.

We received a comment from Airadigm asking whether the requirement of Section 24.709(a)(5)<sup>37</sup> that an applicant state under penalty of perjury whether or not it has ever been in default or delinquent applies only to the applicant entity or applies also to parties to the application and affiliates.<sup>38</sup> The Bureau provides the following guidance. An applicant must state under penalty of perjury whether or not *any* entity whose gross revenues and total assets are required to be attributed to the applicant under Section 24.709 of the Commission's rules has ever been in default on any Commission licenses or has ever been delinquent on any non-tax debt owed to any Federal agency. If any entity whose gross revenues and total assets are required to be

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<sup>32</sup> 47 C.F.R. § 24.709.

<sup>33</sup> *C Block Fourth Report and Order* at para. 18.

<sup>34</sup> *Id.*; 47 C.F.R. § 24.709(a)(4).

<sup>35</sup> 47 C.F.R. §§ 1.2105(a)(2)(xi), 24.709(a)(5).

<sup>36</sup> *C Block Fourth Report and Order* at para. 18.

<sup>37</sup> 47 C.F.R. § 24.709(a)(5); *see also id.* § 1.2105(a)(2)(xi).

<sup>38</sup> Airadigm Comments at 1, 3.

attributed to the applicant under Section 24.709 of the Commission's rules has ever been in default on any Commission licenses or has ever been delinquent on any non-tax debt owed to any Federal agency, the applicant will be considered a "former defaulter" for purposes of the upfront payment requirements for Auction No. 22.

We note, moreover, that if any entity whose gross revenues and total assets are required to be attributed to the applicant under Section 24.709 of the Commission's rules is in default on any Commission licenses or is delinquent on any non-tax debt owed to any Federal agency at the time the applicant files its FCC Form 175 application, the applicant will not be able to make the certification required by Section 1.2105(a)(2)(x) of the Commission's rules<sup>39</sup> and will not be eligible to participate in Auction No. 22.<sup>40</sup>

Airadigm also suggests that clarification is needed as to whether the term "former defaulter" applies to parties taking advantage of the automatic second ninety-day "grace period" provided in Section 1.2110(f)(4)(ii) of the Commission's rules.<sup>41</sup> We will not consider an applicant in default or delinquent on a Commission installment obligation for purposes of C block eligibility and upfront payment (*see infra* Part 3.C.(3)) rules unless and until the obligated entity has allowed the Section 1.2110(f)(4)(ii) non-default period to pass without having made the requisite payment.

#### **E. Special C Block Eligibility Restriction Regarding Surrendered C Block Licenses**

C block licensees that surrendered C block licenses pursuant to the disaggregation, prepayment, and/or amnesty/prepayment election options the Commission made available in the *C Block Second Report and Order and Further Notice*,<sup>42</sup> as modified by the *C Block Reconsideration Order*,<sup>43</sup> are ineligible to reacquire the spectrum represented by their surrendered licenses through participation in Auction No. 22, or by any other means, for a period of two years from the start date of Auction No. 22. This prohibition extends to qualifying members of the licensee's control group, and their affiliates.<sup>44</sup> Licensees that surrendered licenses pursuant to the

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<sup>39</sup> 47 C.F.R. § 1.2105(a)(2)(x).

<sup>40</sup> *See id.* § 24.709(a)(4).

<sup>41</sup> Airadigm Comments at 2-3; *see* 47 C.F.R. § 1.2110(f)(4)(ii).

<sup>42</sup> *C Block Second Report and Order and Further Notice*, 12 FCC Rcd 16,436.

<sup>43</sup> *C Block Reconsideration Order*, 13 FCC Rcd 8345.

<sup>44</sup> *C Block Fourth Report and Order* at paras. 12-13; *C Block Reconsideration Order*, 13 FCC Rcd at 8360-61 paras. 37, 38, and 41 and 8367 para. 50; *see* 47 C.F.R. § 24.709(b)(9)(ii).

"pure amnesty" election option remain eligible to reacquire the spectrum represented by those surrendered licenses in Auction No. 22 or through a secondary market transaction.<sup>45</sup>

## **F. General Eligibility Criteria Regarding Small and Very Small Businesses**

The Commission has adopted special small business provisions for the C and F blocks in order to promote and facilitate the participation of small businesses in auctions of C and F block licenses and in the provision of broadband PCS.

### **(1) Determination of Revenues**

For purposes of determining which entities qualify as very small businesses or small businesses, the Commission will consider the gross revenues of the applicant, its affiliates, persons or entities holding interests in the applicant and their affiliates on a cumulative basis and aggregated subject to the exceptions set forth in Section 24.709(b) of the Commission's rules. Therefore, the gross revenues of all of the above entities must be disclosed *separately and in the aggregate* as Exhibit C to an applicant's FCC Form 175.

### **(2) Very Small or Small Business Consortia**

A consortium of small businesses or very small businesses is a conglomerate organization formed as a joint venture between or among mutually independent business firms, each of which *individually* satisfies the definition of very small or small business in Section 24.720(b)(1) or (2). Thus, each consortium member must disclose its gross revenues along with those of its affiliates and persons or entities holding interests in the consortium member and their affiliates. We note that although the gross revenues of the consortium members will not be aggregated for purposes of determining eligibility for very small or small business credits, this information must be provided to ensure that each individual consortium member qualifies for any bidding credit awarded to the consortium.

### **(3) Application Showing**

Applicants should note that they will be required to file supporting documentation as Exhibit C to their FCC Form 175 short form applications to establish that they meet the gross revenue and total asset limitations of Section 24.709 of the Commission's rules<sup>46</sup> and that they satisfy the eligibility requirements to qualify as a very small or small business (or a consortium of very small or small businesses) for this auction.<sup>47</sup> Specifically, for Auction No. 22, applicants applying to bid for C and/or F block licenses as a very small or small business (or a consortium of

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<sup>45</sup> *C Block Fourth Report and Order* at note 48; *C Block Reconsideration Order*, 13 FCC Rcd at 8360-61 para. 37.

<sup>46</sup> 47 C.F.R. § 24.709.

<sup>47</sup> *See id.* §§ 24.720 and 1.2105.

very small or small businesses) will be required to file as Exhibit C to their FCC Form 175 short form applications, all information required under Sections 1.2105(a), 1.2112(b), and 24.709. In addition, these applicants must disclose, *separately and in the aggregate*, the gross revenues for the preceding three years of each of the following: (1) the applicant; (2) the applicant's affiliates; (3) the applicant's attributable interests; and (4) the affiliates of the applicant's attributable interests. **Certification that the average gross revenues for the preceding three years do not exceed the applicable limit is not sufficient. A statement of the total gross revenues for the preceding three years is also insufficient.** The applicant must provide separately for itself, its affiliates, and its attributable interests, a schedule of gross revenues for *each* of the preceding three years, as well as a statement of total average gross revenues for the three-year period. **If the applicant is applying as a consortium of very small or small businesses, this information must be provided for each consortium member.**

## G. Bidding Credits

Qualifying applicants in Auction No. 22 are eligible for a bidding credit on C and F block licenses that represents the amount by which a bidder's winning bids are discounted. The size of the bidding credit depends on the average gross revenues for the preceding three years of the bidder, its affiliates, and persons or entities that hold interests in the bidder and their affiliates:

- A bidder with average gross revenues not to exceed \$40 million for the preceding three years receives a 15 percent discount on its winning bids for C and F block licenses; and,
- A bidder with average gross revenues not to exceed \$15 million for the preceding three years receives a 25 percent discount on its winning bids for C and F block licenses.<sup>48</sup>

Bidding credits are not cumulative: qualifying applicants receive either the 15 percent or the 25 percent bidding credit, but not both. The definitions of very small business and small business (or a consortium of very small or small businesses) (including calculation of average gross revenues) are set forth in 47 C.F.R. § 24.720(b).

Bidders for C or F block licenses should note that transfer and assignment restrictions and unjust enrichment provisions apply to winning bidders that use bidding credits and subsequently assign or transfer control of their licenses to an entity not qualifying for the same levels of bidding credits.<sup>49</sup> **Finally, bidders should also note that there are no installment payment plans in Auction No. 22.**

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<sup>48</sup> See letter from Aida Alvarez, Administrator, U.S. Small Business Administration, to Amy J. Zoslov, Chief (Acting), Wireless Telecommunications Bureau, Federal Communications Commission (December 2, 1998) (approving the Commission's small business and very small business definitions for use in the upcoming C, D, E, and F block auction(s)).

<sup>49</sup> See 47 C.F.R. § 1.2111; see also *id.* § 24.714(a)(3) (partitioning and disaggregation restrictions on C and F block licensees).



### 3. PRE-AUCTION PROCEDURES

#### A. Short-Form Application (FCC Form 175) -- Due February 12, 1999

In order to be eligible to bid in this auction, applicants must first electronically submit an FCC Form 175 application. **This application must be received at the Commission by 5:30 p.m. ET on February 12, 1999.** Late applications will not be accepted.

There is no application fee required when filing an FCC Form 175. However, to be eligible to bid, an applicant must submit an upfront payment. *See 3.C, infra.*

##### (1) Electronic Filing

Applicants must file their FCC Form 175 applications electronically.<sup>50</sup> Applications may be filed at any time from January 25, 1999 until 5:30 p.m. ET on February 12, 1999. Applicants are strongly encouraged to file early, and applicants are responsible for allowing adequate time for filing their applications. Applicants may update or amend their electronic applications multiple times until the filing deadline of February 12, 1999. **Applicants must press the "Submit Form 175" button on the "Submit" page of the electronic form to successfully submit their FCC Form 175s.** Information about installing and running the FCC Form 175 application software is included in Attachment C to this Public Notice. Technical support is available at (202) 414-1250 (voice) or (202) 414-1255 (text telephone (TTY)); the hours of service are 8 a.m. - 6 p.m. ET, Monday - Friday.

##### (2) Completion of the FCC Form 175

Applicants should carefully review 47 C.F.R. § 1.2105, and must complete all items on the FCC Form 175. Instructions for completing the FCC Form 175 are in Attachment B of this Public Notice.

##### (3) Electronic Review of FCC Form 175

The FCC Form 175 review software may be used to review and print applicants' FCC Form 175 applications. Applicants may also view other applicants' completed FCC Form 175s after the filing deadline has passed and the FCC has issued a public notice explaining the status of the applications. **For this reason, it is important that applicants do not include their Taxpayer Identification Numbers (TINs) on any Exhibits to their FCC Form 175 applications.** There is a fee of \$2.30 per minute for accessing this system. *See Attachment C for details.*

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<sup>50</sup> *Id.* § 1.2105(a).

## B. Application Processing and Minor Corrections

After the deadline for filing the FCC Form 175 applications has passed, the FCC will process all timely submitted applications to determine which are acceptable for filing, and subsequently will issue a public notice identifying: (1) those applications accepted for filing (including FCC account numbers and the licenses for which they applied); (2) those applications rejected; and (3) those incomplete applications which have minor defects that may be corrected, and the deadline for filing such corrected applications.

As described more fully in the Commission's Rules, after the February 12, 1999, short form filing deadline, applicants may make only minor corrections to their FCC Form 175 applications. Applicants will not be permitted to make major modifications to their applications (*e.g.*, change their license selections, change the certifying official, or change control of the applicant). *See* 47 C.F.R. § 1.2105.

## C. Upfront Payments -- Due March 1, 1999

In order to be eligible to bid in the auction, applicants must submit an upfront payment accompanied by an FCC Remittance Advice Form (FCC Form 159). **Manual filers of FCC Form 159 must use the July 1997 version of FCC Form 159. Filers of the FCC Form 175 will have access to an electronic version of FCC Form 159 after completing the FCC Form 175. Earlier versions of this form will not be accepted.** All upfront payments must be received at Mellon Bank in Pittsburgh, PA, by 6:00 p.m. ET on March 1, 1999.

Please note that:

- **All payments must be made in U.S. dollars.**
- **All payments must be made by wire transfer.**
- **Upfront payments for Auction No. 22 go to a lockbox number different from the ones used in previous FCC auctions, and different from the lockbox number to be used for post-auction payments.**
- **Failure to deliver the upfront payment by the March 1, 1999 deadline will result in dismissal of the application and disqualification from participation in the auction.**

### (1) Making Auction Payments by Wire Transfer

Wire transfer payments must be received **by 6:00 p.m. ET on March 1, 1999**. To avoid untimely payments, applicants should discuss arrangements (including bank closing schedules) with their banker several days before they plan to make the wire transfer, and allow sufficient time for the transfer to be initiated and completed before the deadline. Applicants will need the following information:

ABA Routing Number: 043000261  
Receiving Bank: Mellon Pittsburgh  
BNF: FCC/AC **910-0198**  
OBI Field: (Skip one space between each information item)  
"AUCTIONPAY"  
TAXPAYER IDENTIFICATION NO. (same as FCC Form 159, block 26)  
PAYMENT TYPE CODE (enter "APCU")  
FCC CODE 1 (same as FCC Form 159, block 23A: "22")  
PAYER NAME (same as FCC Form 159, block 2)  
LOCKBOX NO. # **358410**

**NOTE: The BNF and Lockbox numbers are specific to the upfront payments for this auction; do not use BNF or Lockbox numbers from previous auctions.**

Applicants must fax a completed FCC Form 159 to Mellon Bank at (412) 236-5702 at least one hour before placing the order for the wire transfer (but on the same business day). On the cover sheet of the fax, write "Wire Transfer - Auction Payment for Auction Event No. 22." Bidders may confirm receipt of their upfront payment by contacting their sending financial institution.

### **(2) FCC Form 159**

Each upfront payment must be accompanied by a completed FCC Remittance Advice Form (FCC Form 159). Proper completion of FCC Form 159 is critical to ensuring correct credit of upfront payments. Detailed instructions for completion of FCC Form 159 are included in Attachment B to this Public Notice and will also be included in the Bidder Information Package.

### **(3) Amount of Upfront Payment**

In *Procedural Public Notice I*, the Bureau announced its plans to set the upfront payment amount for Auction No. 22 at  $\$0.06 \times \text{MHz} \times \text{BTA Population}$  ("Pops") (rounded up to the next dollar).<sup>51</sup> In *Procedural Public Notice II*, the Bureau proposed to apply the same  $\$0.06 \times \text{MHz} \times \text{Pops}$  upfront payment amount to each of the D, E, and F block licenses to be auctioned.<sup>52</sup> No commenter discussed the upfront payment amount. The Bureau accordingly sets the upfront payment amount for each C, D, E, and F block license to be auctioned in Auction No. 22 at  $\$0.06 \times \text{MHz} \times \text{Pops}$ . The upfront payment amount for each license has been calculated and is listed in Attachment A.

In accordance with the Commission rule governing C block applicants, the Bureau stated in *Procedural Public Notice I* that the upfront payment amount for "former defaulters" (i.e.,

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<sup>51</sup> *Procedural Public Notice I* at 4.

<sup>52</sup> *Procedural Public Notice II* at 2.

applicants that have ever been in default on any Commission licenses or have ever been delinquent on any non-tax debt owed to any Federal agency) will be fifty percent more than the normal amount required to be paid.<sup>53</sup> Consistent with this rule, as the Bureau announced in *Procedural Public Notice II*,<sup>54</sup> any former defaulter that applies to bid on "all markets" or designates D, E, or F block licenses in addition to at least one C block license will be subject to the higher upfront payment requirement. Former defaulters that apply to bid only on D, E, or F block licenses will not be subject to the higher upfront payment requirement.

In the absence of opposing comment, the Bureau adopts its proposals in *Procedural Public Notice I* and *II*<sup>55</sup> that the amount of the upfront payment submitted by a bidder will determine the initial maximum eligibility (as measured in bidding units) for each bidder. As stated, **the upfront payment amount for "former defaulters" will be fifty percent more than the normal amount required to be paid. (In other words, "former defaulters" must pay an extra fifty percent in upfront payment to receive the same number of bidding units that "non-former defaulters" receive for the basic upfront payment. See Attachment A.) Any former defaulter that applies to bid on "all markets" or designates D, E, or F block licenses in addition to at least one C block license will be subject to the higher upfront payment requirement.**

Please note that upfront payments are not attributed to specific licenses, but instead will be translated to bidding units to define a bidder's maximum bidding eligibility. For Auction No. 22, the amount of the upfront payment will be translated into bidding units on a one-to-one basis, *e.g.*, a \$25,000 upfront payment provides the bidder with 25,000 bidding units, unless the bidder is a "former defaulter." A "former defaulter" will be required to pay \$37,500 (or 1.5 times the basic upfront payment) for 25,000 bidding units. The total upfront payment defines the maximum amount of bidding units on which the applicant will be permitted to bid (including standing high bids) in any single round of bidding. Thus, an applicant does not have to make an upfront payment to cover all licenses for which the applicant has selected on FCC Form 175, but rather to cover the maximum number of bidding units that are associated with licenses the bidder wishes to place bids on and hold high bids on at any given time.

In order to be able to place a bid on a license, in addition to having specified that license on the FCC Form 175, a bidder must have an eligibility level that meets or exceeds the number of bidding units assigned to that license. At a minimum, an applicant's total upfront payment must be enough to establish eligibility to bid on at least one of the licenses applied for on the FCC Form 175, or else the applicant will not be eligible to participate in the auction.

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<sup>53</sup> *Procedural Public Notice I* at 5; see *C Block Fourth Report and Order* at para. 34; 47 C.F.R. § 24.706(a).

<sup>54</sup> *Procedural Public Notice II* at 2.

<sup>55</sup> *Procedural Public Notice I* at 5; *Procedural Public Notice II* at 2-3.

In calculating the upfront payment amount, an applicant should determine the maximum number of bidding units it may wish to bid on in any single round, and submit an upfront payment covering that number of bidding units. **Bidders should check their calculations carefully as there is no provision for increasing a bidder's maximum eligibility after the upfront payment deadline.**

Former defaulters that apply to bid on any C block licenses should calculate their upfront payment for all licenses by multiplying the number of bidding units they wish to purchase by 1.5. The 50% increase calculation has been included on the spreadsheet in Attachment A. In order to calculate the number of bidding units to assign to former defaulters applying to bid on any C block licenses, the Commission will divide the upfront payment received by 1.5 and round the result up to the nearest bidding unit.

**NOTE: An applicant may, on its FCC Form 175, apply for every license being offered, but its actual bidding in any round will be limited by the bidding units reflected in its upfront payment.**

#### **(4) Applicant's Wire Transfer Information for Purposes of Refunds**

Because experience with prior auctions has shown that in most cases wire transfers provide quicker and more efficient refunds than paper checks, the Commission will use wire transfers for all Auction No. 22 refunds. To avoid delays in processing refunds, applicants should include wire transfer instructions with any refund request they file; they may also provide this information in advance by faxing it to the FCC Billings and Collections Branch, ATTN: Linwood Jenkins or Geoffrey Idika, at (202) 418-2843. **Please include the following information:**

Name of Bank  
ABA Number  
Account Number to Credit  
Correspondent Bank (if applicable)  
ABA Number  
Account Number  
Contact and Phone Number

(Applicants should also note that implementation of the Debt Collection Improvement Act of 1996 requires the FCC to obtain a Taxpayer Identification Number (TIN) before it can disburse refunds.) Eligibility for refunds is discussed in 5.D., *infra*.

#### **D. Auction Registration**

Approximately ten days before the auction, the FCC will issue a public notice announcing all qualified bidders for the auction. Qualified bidders are those applicants whose FCC Form 175 applications have been accepted for filing and that have timely submitted upfront payments sufficient to make them eligible to bid on at least one of the licenses for which they applied.

All qualified bidders are automatically registered for the auction. Registration materials will be distributed prior to the auction by two separate overnight mailings, each containing part of the confidential identification codes required to place bids. **These mailings will be sent only to the contact person at the applicant address listed in the FCC Form 175.**

Applicants that do not receive both registration mailings will not be able to submit bids. Therefore, any qualified applicant that has not received both mailings **by noon on Wednesday, March 17, 1999** should contact the FCC National Call Center at (888) CALL-FCC ((888) 225-5322, press option #2 at the prompt). Receipt of both registration mailings is critical to participating in the auction, and each applicant is responsible for ensuring that it has received all of the registration material.

**Qualified bidders should note that lost login codes, passwords or bidder identification numbers can be replaced only by appearing in person at the FCC Auction Headquarters located at 2 Massachusetts Avenue, N.E., Washington, D.C. 20002. Only an authorized representative or certifying official, as designated on an applicant's FCC Form 175, may appear in person with two forms of identification (one of which must be a photo identification) in order to receive replacement codes.**

#### **E. Remote Electronic Bidding Software**

Qualified bidders must purchase remote electronic bidding software for \$175.00 **by March 9, 1999**. (Auction software is tailored to a specific auction, so software from prior auctions will not work for Auction No. 22.) A software order form is included in the Bidder Information Package.

#### **F. Auction Seminar**

On February 3, 1999, the FCC will sponsor a seminar for Auction No. 22 at the Park Hyatt Washington, 1201 24th Street, N.W., Washington, D.C. 20037, (202) 789-1234. The seminar will provide attendees with information about pre-auction procedures, conduct of the auction, FCC remote bidding software, and the C, D, E, and F broadband PCS blocks and auction rules.

To register, complete the registration form to be included in the upcoming Bidder Information Package. The registration form will include details about the time and location of the seminar. Registrations are accepted on a first-come, first-served basis.

#### **G. Mock Auction**

All applicants whose FCC Form 175 has been accepted for filing will be eligible to participate in a mock auction beginning **March 18, 1999**. The mock auction will enable applicants to become familiar with the electronic software prior to the auction. Free demonstration software will be available for use in the mock auction. Participation by all bidders is strongly recommended. Details will be announced by public notice.

## 4. AUCTION EVENT

The first round of the auction will begin on March 23, 1999. The initial round schedule will be announced in a Public Notice listing the qualified bidders, to be released approximately 10 days before the start of the auction.

### A. Auction Structure

#### (1) Simultaneous Multiple Round Auction

The Bureau proposed in *Procedural Public Notice I* and *II*, to award all licenses in Auction No. 22 in a single, simultaneous multiple-round auction.<sup>56</sup> Omnipoint supports the Bureau's proposal,<sup>57</sup> and no commenter opposes it. The Bureau, therefore, adopts a simultaneous multiple-round design for Auction No. 22.

#### (2) Maximum Eligibility and Activity Rules

In *Procedural Public Notice I* and *II*, the Bureau proposed that the amount of the upfront payment submitted by a bidder would determine the initial maximum eligibility (as measured in bidding units) for each bidder.<sup>58</sup> We received no comments on this issue.

For Auction No. 22, we will adopt this proposal. The amount of the upfront payment submitted by a bidder determines the initial maximum eligibility (in bidding units) for each bidder. Note again that upfront payments are not attributed to specific licenses, but instead will be translated into bidding units to define a bidder's initial maximum eligibility. The total upfront payment defines the maximum number of bidding units on which the applicant will initially be permitted to bid. (As stated, "former defaulters" must pay a fifty percent higher upfront payment amount. *See* Part 3.C.(3).) There is no provision for increasing a bidder's maximum eligibility during the course of an auction, as described under "Auction Stages" as set forth in Part 4.A.(4).

In order to ensure that the auction closes within a reasonable period of time, an activity rule requires bidders to bid actively throughout the auction, rather than wait until the end before participating. Bidders are required to be active on a specific percentage of their maximum eligibility during each round of the auction.

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<sup>56</sup> *Procedural Public Notice I* at 6; *Procedural Public Notice II* at 3.

<sup>57</sup> Omnipoint Comments at 6.

<sup>58</sup> *Procedural Public Notice I* at 5; *Procedural Public Notice II* at 2-3.

A bidder is considered active on a license in the current round if it is either the high bidder at the end of the previous bidding round and does not withdraw the high bid in the current round, or if it submits an acceptable bid in the current round (see "Minimum Accepted Bids" in Part 4.B.(3), *infra*). A bidder's activity level in a round is the sum of the bidding units associated with licenses on which the bidder is active. The minimum required activity level is expressed as a percentage of the bidder's maximum bidding eligibility, and increases as the auction progresses. Because these procedures have proven successful in maintaining the pace of previous auctions as set forth under "Auction Stages" in Part 4.A.(4) and "Stage Transitions" in Part 4.A.(5), *infra*, we adopt them for Auction No. 22.

### **(3) Activity Rule Waivers and Reducing Eligibility**

In *Procedural Public Notice I* and *II*, we proposed that each bidder in the auction would be provided five activity rule waivers that may be used in any round during the course of the auction.<sup>59</sup>

Based upon our experience in previous auctions, we adopt our proposal. Each bidder will be provided five activity rule waivers that may be used in any round during the course of the auction. Use of an activity rule waiver preserves the bidder's current bidding eligibility despite the bidder's activity in the current round being below the required minimum level. An activity rule waiver applies to an entire round of bidding and not to a particular license.

The FCC auction system assumes that bidders with insufficient activity would prefer to use an activity rule waiver (if available) rather than lose bidding eligibility. Therefore, the system will automatically apply a waiver (known as an "automatic waiver") at the end of any round where a bidder's activity level is below the minimum required unless: (1) there are no activity rule waivers available; or (2) the bidder overrides the automatic application of a waiver by reducing eligibility, thereby meeting the minimum requirements.

A bidder with insufficient activity that wants to reduce its bidding eligibility rather than use an activity rule waiver must affirmatively override the automatic waiver mechanism during the round by using the reduce eligibility function in the software. In this case, the bidder's eligibility is permanently reduced to bring the bidder into compliance with the activity rules as described in "Auction Stages" (*see* Part 4.A.(4) discussion below). Once eligibility has been reduced, a bidder will not be permitted to regain its lost bidding eligibility.

Finally, a bidder may proactively use an activity rule waiver as a means to keep the auction open without placing a bid. If a bidder submits a proactive waiver (using the proactive waiver function in the bidding software) during a round in which no bids are submitted, the auction will remain open and the bidder's eligibility will be preserved. An automatic waiver invoked in a round in which there are no new valid bids or withdrawals will not keep the auction open.

### **(4) Auction Stages**

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<sup>59</sup> *Procedural Public Notice I* at 9; *Procedural Public Notice II* at 3.

In *Procedural Public Notice I* and *II*, we proposed to conduct the auction in stages and to employ an activity rule. We further proposed that, in each round of Stage One, a bidder desiring to maintain its current eligibility would be required to be active on licenses encompassing at least 80 percent of its current bidding eligibility. In each round of Stage Two, a bidder desiring to maintain its current eligibility would be required to be active on at least 90 percent of its current bidding eligibility. Finally, we proposed that a bidder in Stage Three, in order to maintain eligibility, would be required to be active on 98 percent of its current bidding eligibility.<sup>60</sup> We received no comment on these proposals.

We adopt our proposal to conduct Auction No. 22 in three stages, which are each defined by an increasing activity rule, as set forth immediately below. The FCC reserves the discretion to further alter the activity percentages before and/or during the auction.

**Stage One:** In each round of the first stage of the auction, a bidder desiring to maintain its current eligibility is required to be active on licenses encompassing at least 80 percent of its current bidding eligibility. Failure to maintain the requisite activity level will result in a reduction in the bidder's bidding eligibility in the next round of bidding (unless an activity rule waiver is used). During Stage One, reduced eligibility for the next round will be calculated by multiplying the current round activity by five-fourths (5/4).

**Stage Two:** In each round of the second stage, a bidder desiring to maintain its current eligibility is required to be active on 90 percent of its current bidding eligibility. During Stage Two, reduced eligibility for the next round will be calculated by multiplying the current round activity by ten-ninths (10/9).

**Stage Three:** In each round of the third stage, a bidder desiring to maintain its current eligibility is required to be active on 98 percent of its current bidding eligibility. In this final stage, reduced eligibility for the next round will be calculated by multiplying the current round activity by fifty-fortyninths (50/49).

**CAUTION:** Since activity requirements increase in each auction stage, bidders must carefully check their current activity during the bidding period of the first round following a stage transition. This is especially critical for bidders that have standing high bids and do not plan to submit new bids. In past auctions, some bidders have inadvertently lost bidding eligibility or used an activity rule waiver because they did not reverify their activity status at stage transitions. Bidders may check their activity against the required minimum activity level by using the bidding software's bidding module.

Because the foregoing procedures have proven successful in maintaining proper pace in previous auctions, we adopt them for Auction No. 22.

## (5) Stage Transitions

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<sup>60</sup> *Procedural Public Notice I* at 7-8; *Procedural Public Notice II* at 3.

In *Procedural Public Notice I and II*, we proposed that the auction would advance to the next stage (*i.e.*, from Stage One to Stage Two, and from Stage Two to Stage Three) when, in each of three consecutive rounds of bidding, the high bid has increased on less than 10 percent of the licenses being auctioned (as measured in bidding units). However, we further proposed that the Bureau would retain the discretion to accelerate the auction by announcement. This determination, we proposed, would be based on a variety of measures of bidder activity, including, but not limited to, the auction activity level, the percentages of licenses (as measured in bidding units) on which there are new bids, the number of new bids, and the percentage increase in revenue.<sup>61</sup> There were no comments on this proposal.

We adopt our proposal. Auction No. 22 will generally advance to the next stage when, in each of three consecutive rounds of bidding, the high bid has increased on less than 10 percent of the licenses being auctioned (as measured in bidding units). Thus, the auction will start in Stage One. Under the FCC's general guidelines it will advance to the next stage (*i.e.*, from Stage One to Stage Two, and from Stage Two to Stage Three) when, in each of three consecutive rounds of bidding, the high bid has increased on 10 percent or less of the licenses being auctioned (as measured in bidding units). However, the Bureau will retain the discretion to regulate the pace of the auction by announcement. This determination will be based on a variety of measures of bidder activity, including, but not limited to, the auction activity level, the percentages of licenses (as measured in bidding units) on which there are new bids, the number of new bids, and the percentage increase in revenue. We believe that these stage transition rules, having proven successful in prior auctions, are appropriate for use in Auction No. 22.

## **(6) Auction Stopping Rules**

In *Procedural Public Notice I and II*, we proposed to employ a simultaneous stopping approach, meaning that all licenses would remain open until the first round in which no new acceptable bids, proactive waivers, or withdrawals are received. After the first such round, bidding closes simultaneously on all licenses. Thus, unless circumstances dictate otherwise, bidding would remain open on all licenses until bidding stops on every license. In addition, we sought comment on another stopping rule procedure. Under this stopping rule approach, we would close the auction for all licenses after the first round in which no bidder submits a proactive waiver, a withdrawal, or a new bid on any license on which it is not the standing high bidder. Thus, absent any other bidding activity, a bidder placing a new bid on a license for which it is the standing high bidder would not keep the auction open under this modified stopping rule. The Bureau further sought comment on whether this stopping rule should be used unilaterally or only in stage three of the auction.

We also proposed to retain the discretion to keep the auction open, even if no new acceptable bids or proactive waivers are submitted and no previous high bids are withdrawn. Finally, we proposed that the Bureau reserve the right to declare that the auction will end after a specified number of additional rounds ("special stopping rule"). If the Bureau invokes this special stopping rule, it will accept bids in the final round(s) only for licenses on which the high bid

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<sup>61</sup> *Procedural Public Notice I* at 7-8; *Procedural Public Notice II* at 3.

increased in at least one of the preceding specified number of rounds. We proposed to exercise this option only in circumstances such as where the auction is proceeding very slowly, where there is minimal overall bidding activity or where it appears likely that the auction will not close within a reasonable period of time.<sup>62</sup>

Two commenters discussed the stopping rule. DiGiPH supports our proposal to implement a modified simultaneous stopping rule. According to DiGiPH, it is likely that the only reason a bidder would increase its own standing high bids, absent any other bidding activity, would be to prevent the auction from closing and the triggering of certain post-auction deadlines. DiGiPH believes that the modified simultaneous stopping rule would greatly reduce the likelihood of this sort of activity.<sup>63</sup> RTG supports the proposed adoption of a special stopping rule, stating that it could save auction participants from needlessly expending costly resources. RTG also agrees that in many instances it would make sense "for the Bureau to take certain steps intended to increase the pace of the auction prior to invoking the special stopping rule." RTG suggests that it would serve the public interest for the Bureau to request bidder input during the auction on possible invocation of the special stopping rule.<sup>64</sup>

Barring extraordinary circumstances, bidding will remain open on all licenses until bidding stops on every license. Thus, the auction will close for all licenses when one round passes during which no bidder submits a new acceptable bid on any license, applies a proactive waiver, or withdraws a previous high bid. In addition, however, the Bureau retains the discretion to close the auction for all licenses after the first round in which no bidder submits a proactive waiver, a withdrawal, or a new bid on any license on which it is not the standing high bidder. Thus, absent any other bidding activity, a bidder placing a new bid on a license for which it is the standing high bidder would not keep the auction open under this stopping rule procedure. We will notify bidders in advance of implementing any change to our simultaneous stopping rule.

The Bureau retains the discretion, however, to keep an auction open even if no new acceptable bids or proactive waivers are submitted, and no previous high bids are withdrawn. In this event, the effect will be the same as if a bidder had submitted a proactive waiver. Thus, the activity rule will apply as usual, and a bidder with insufficient activity will either lose bidding eligibility or use an activity rule waiver (if it has any left).

Further, in its discretion, the Bureau reserves the right to declare that the auction will end after a specified number of additional rounds ("special stopping rule"). If the FCC invokes this special stopping rule, it will accept bids in the final round(s) only for licenses on which the high bid increased in at least one of the preceding specified number of rounds. The FCC intends to exercise this option only in extreme circumstances, such as where the auction is proceeding very

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<sup>62</sup> *Procedural Public Notice I* at 11; *Procedural Public Notice II* at 3.

<sup>63</sup> DiGiPH Comments at 4.

<sup>64</sup> RTG Comments at 1-3.

slowly, where there is minimal overall bidding activity, or where it appears likely that the auction will not close within a reasonable period of time. Before exercising this option, the FCC is likely to attempt to increase the pace of the auction by, for example, moving the auction into the next stage (where bidders would be required to maintain a higher level of bidding activity), increasing the number of bidding rounds per day, and/or increasing the amount of the minimum bid increments for the limited number of licenses where there is still a high level of bidding activity. Given the extreme circumstances under which the Bureau intends to invoke the special stopping rule, the Bureau has decided not to adopt RTG's suggestion that we routinely request bidder input prior to such invocation. However, we remind bidders that they are free to make their views known to the Bureau throughout the auction and that the Suggestion Box in the Automated Auction System affords them one possible avenue of communication.<sup>65</sup>

### **(7) Auction Delay, Suspension, or Cancellation**

In *Procedural Public Notice I* and *II*, we proposed that, by public notice or by announcement during the auction, the Bureau may delay, suspend, or cancel the auction in the event of natural disaster, technical obstacle, evidence of an auction security breach, unlawful bidding activity, administrative or weather necessity, or for any other reason that affects the fair and competitive conduct of competitive bidding.<sup>66</sup> DiGiPH filed the only comment regarding this proposal, suggesting that if it becomes necessary to re-start the auction for breaches of auction security or other anti-competitive reasons, the Commission should initiate a brief comment cycle to determine an appropriate method of re-starting the auction. DiGiPH further states that, where anti-competitive conduct is concerned, it would be useful for the Commission to gather information from auction participants in order to measure the impact of such conduct and to determine how to re-start the auction.<sup>67</sup>

Because the auction cancellation rules we proposed have proven effective in resolving exigent circumstances in previous auctions, we will adopt them for Auction No. 22. By public notice or by announcement during the auction, the Bureau may delay, suspend, or cancel the auction in the event of natural disaster, technical obstacle, evidence of an auction security breach, unlawful bidding activity, administrative or weather necessity, or for any other reason that affects the fair and competitive conduct of competitive bidding. In such cases, the Bureau, in its sole discretion, may elect to: resume the auction starting from the beginning of the current round; resume the auction starting from some previous round; or cancel the auction in its entirety. Network interruption may cause the Bureau to delay or suspend the auction. We emphasize that

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<sup>65</sup> Prior to the point where long-form applications are filed and formally opposed, mutually exclusive applicants in auction proceedings may communicate with the Commission concerning their applications, so long as the application has not become subject to ex parte restrictions for some other reason, e.g., the applicant has filed a waiver request that has been formally opposed. Amendment of 47 C.F.R. § 1.1200 *et seq.* Concerning Ex Parte Presentations in Commission Proceedings, *Report and Order*, 12 FCC Rcd 7348, 7356 para. 24 (1997); 47 C.F.R. § 1.1202(d) note (1).

<sup>66</sup> *Procedural Public Notice I* at 11-12; *Procedural Public Notice II* at 3.

<sup>67</sup> DiGiPH Comments at 4-5.

exercise of this authority is solely within the discretion of the Bureau, and its use is not intended to be a substitute for situations in which bidders may wish to apply their activity rule waivers.

We believe that DiGiPH's suggestion that we seek comment prior to restarting the auction would unduly restrict the Bureau's discretion and flexibility in conducting the auction, and we decline to adopt it. We will, however, provide bidders with reasonable notice either by public notice or by announcement over the Automated Auction System prior to recommencing the auction. As stated, bidders may make their views known to the Bureau throughout the auction and, if they choose, may use the Suggestion Box in the Automated Auction System for such communication.<sup>68</sup>

## **B. Bidding Procedures**

### **(1) Round Structure**

The initial bidding schedule will be announced by public notice at least one week before the start of the auction, and will be included in the registration mailings. The round structure for each bidding round contains a single bidding round followed by the release of the round results.

The FCC has discretion to change the bidding schedule in order to foster an auction pace that reasonably balances speed with the bidders' need to study round results and adjust their bidding strategies. The FCC may increase or decrease the amount of time for the bidding rounds and review periods, or the number of rounds per day, depending upon the bidding activity level and other factors.

### **(2) Reserve Price or Minimum Opening Bid**

In *Procedural Public Notice I*, the Bureau proposed to establish as the minimum opening bid for each 15 MHz C block license available in Auction No. 22 an amount equal to five percent of the most recent net high bid for the corresponding 30 MHz license,<sup>69</sup> but in no event lower than the upfront payment amount for that license in Auction No. 22.<sup>70</sup> For 15 MHz licenses with minimum opening bids that would otherwise be lower than upfront payment amounts, the Bureau proposed to establish minimum opening bids that equal the upfront payment amounts. The Bureau stated that for each 30 MHz license available in Auction No. 22, the Bureau plans to establish a minimum opening bid equal to ten percent of the most recent corresponding net high bid for the license, but in no event lower than the upfront payment amount for that license in

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<sup>68</sup> See *supra* note 65.

<sup>69</sup> By "most recent," we mean that if the license for a particular band of spectrum was auctioned in Auction No. 10 (which concluded on July 16, 1996), the Bureau will use the net high bid for the license in Auction No. 10, rather than the net high bid for authorization to use that same band in the original C block auction, Auction No. 5, as the basis for calculating the minimum opening bid.

<sup>70</sup> *Procedural Public Notice I* at 2-4.

Auction No. 22. For 30 MHz C block licenses with minimum opening bids that would otherwise be lower than upfront payment amounts, the Bureau said that it plans to establish minimum opening bids that equal the upfront payment amounts.<sup>71</sup>

In *Procedural Public Notice II*, the Bureau proposed to establish as the minimum opening bid for each D, E, and F block license for which there was a winning bidder in Auction No. 11 an amount equal to ten percent of the corresponding net high bid for the market in Auction No. 11, but in no event lower than the upfront payment for that license in Auction No. 22.<sup>72</sup> For each D, E, and F block license for which there was no winning bidder in Auction No. 11, the Bureau proposed to establish as the minimum opening bid an amount equal to 3.33 percent of the most recent<sup>73</sup> net high bid for the C block license in the same BTA, but in no event lower than the upfront payment amount for that license in Auction No. 22.<sup>74</sup> Thus, for licenses with minimum opening bids that otherwise would be lower than upfront payment amounts, the Bureau proposed to establish minimum opening bids that equal the upfront payment amounts.

Both Americana and Omnipoint contend that the Bureau's planned minimum opening bids for C block licenses should be reduced. Americana argues that the planned minimum opening bids are artificially high because they are premised on inflated high bids from the original C block auction and points to bankruptcies "of major C block players" in support of its argument. It reasons that market conditions will be worse for C block applicants in Auction No. 22 than they were for applicants in Auction No. 5, because of the lack of installment payment financing, a public perception of a "spectrum glut," and an aggressively competitive market. As a result, high minimum opening bids will decrease participation by C block bidders in Auction No. 22 and may result in no bidders for certain markets. Americana proposes that the Bureau set the minimum opening bid for C block licenses at half of each market's proposed upfront payment, i.e., \$0.03 per MHz per pop, rounded to the nearest dollar.<sup>75</sup>

Omnipoint argues similarly that higher minimum opening prices would significantly interfere with an efficient market outcome for the auction. The danger, according to Omnipoint, is that the minimum opening bids for "core markets" might be so high that they will go unbid. Omnipoint discusses several factors that indicate the minimum opening bids should be relatively moderate, including current market competition, the lack of installment payment financing, and

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<sup>71</sup> *Id.* at 4.

<sup>72</sup> *Procedural Public Notice II* at 2.

<sup>73</sup> *See supra* note 69.

<sup>74</sup> The 3.33 (in other words, 10/3) percent amount for these 10 MHz D, E, and F block licenses corresponds proportionally with the five percent proposed for 15 MHz C block licenses and the ten percent proposed for 30 MHz C block licenses.

<sup>75</sup> Americana Comments at 2-10.

the bankruptcies of certain prior winning C block bidders.<sup>76</sup> Omnipoint mentions lower minimum opening bid schedules in other Commission auctions and suggests that the Bureau substitute a minimum opening bid for Auction No. 22 that does not exceed \$0.02 per MHz per pop, which is the same minimum opening bid set by the Bureau for the Commission's Specialized Mobile Radio Service (SMR) auction.<sup>77</sup>

We will adopt minimum opening bids for each of the licenses in Auction No. 22 that are reducible at the discretion of the Bureau. Congress has enacted a presumption that unless the Commission determines otherwise, minimum opening bids or reserve prices are in the public interest.<sup>78</sup> Based on our experience in using minimum opening bids in several auctions, including the 800 MHz SMR and Local Multipoint Distribution Service ("LMDS") auctions, we believe that minimum opening bids speed the course of the auction and ensure that valuable assets are not sold for nominal prices, without unduly interfering with the efficient assignment of licenses.<sup>79</sup>

In establishing the minimum opening bids, we strive to balance the dual objectives of encouraging wide participation in the auction and preventing unreasonably low bids. We believe that we can best accomplish this goal for the upcoming PCS auction by altering the minimum opening bid formulae for C, D, E, and F block licenses set forth in *Procedural Public Notices I* and *II*, to yield lower minimum bids. This alteration will, for the most part, halve the minimum opening bids for Auction No. 22. The concerns of the commenters have led us to reassess the balance we proposed to strike between maximizing auction participation and preventing unreasonably low bids. While we now believe that the proposed minimum opening bids run too great a risk of precluding *bona fide* auction participation, the alternative minimum opening bid formulae suggested by the commenters will provide an insufficient safeguard against unreasonably low bids. Drawing on our experience in conducting spectrum auctions and our expertise in assessing the dynamics of the bidding process, we conclude that the approach adopted here will yield greater auction participation than our original proposal, without compromising the reasonableness of the bids ultimately tendered.

In addition to reducing the required level of the minimum opening bids, we are also simplifying the formulae for calculating those bids. Because all four spectrum blocks are being auctioned at the same time, under the same general conditions, we believe that it is appropriate --

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<sup>76</sup> Omnipoint Comments at 2-4. *See also* Letter to Magalie Roman Salas, Secretary, Federal Communications Commission, from Mark J. O'Connor, Piper & Marbury, L.L.P., Counsel for Omnipoint Corporation (December 10, 1998) (describing substance of December 9, 1998 meeting, and enclosing written presentation made at that meeting, regarding, *inter alia*, minimum opening bid issues connected with the auction of C block licenses in Auction No. 22).

<sup>77</sup> Omnipoint Comments at 4-6.

<sup>78</sup> Section 3002(a)(1)(C) of the Budget Act directs the Commission to "prescribe methods by which a reasonable reserve price will be required, or a minimum bid established, to obtain any license or permit being assigned pursuant to the competitive bidding, unless the Commission determines that such a reserve price or minimum bid is not in the public interest."

<sup>79</sup> *See* 47 U.S.C. § 309(j)(3)(C).

and less complicated -- to use a common baseline to establish the minimum opening bid formulae for all of the licenses in the auction. The net high bids from prior C block auctions provide the most comprehensive broadband PCS baseline. We, therefore, have decided to base the minimum opening bids for each license available in Auction No. 22, including D, E, and F block licenses, on the most recent net high bid for the C block license in the same BTA.<sup>80</sup>

We adopt the following revised formulae for calculating minimum opening bids:

- (1) 30 MHz licenses                    5 % of most recent net high bid for C block licenses in same BTA
- (2) 15 MHz licenses                   2.5 % of most recent net high bid for C block licenses in same BTA
- (3) 10 MHz licenses                   1.6 % of most recent net high bid for C block licenses in same BTA

These formulae will apply without regard to the upfront payment amount required for the same license in Auction No. 22. This change will ensure that minimum opening bids for all licenses will be significantly reduced.

The specific minimum opening bid for each license available in Auction No. 22 is set forth in Attachment A herein. We conclude that these revised minimum opening bids best meet the objectives of our auction authority in establishing reasonable minimum opening bids. We have noted in the past that the reserve price and minimum opening bid provision is not a requirement to maximize auction revenue but rather a protection against assigning licenses at unacceptably low prices and that we must balance the revenue raising objective against our other public interest objectives in setting the minimum bid level.<sup>81</sup>

We find that these minimum opening bids will speed the course of the auction and ensure that valuable assets are not sold for nominal prices without unduly interfering with the efficient assignment of licenses.<sup>82</sup> Minimum opening bids are reducible at the discretion of the Bureau. This discretion will allow the Bureau flexibility to adjust the minimum opening bids if circumstances warrant. We emphasize, however, that such discretion will be exercised, if at all, sparingly and early in the auction, *i.e.*, before bidders lose all waivers and begin to lose substantial eligibility. During the course of the auction, the Bureau will not entertain any bidder requests to reduce the minimum opening bid on specific licenses.

### **(3) Minimum Accepted Bids**

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<sup>80</sup> See *supra* note 69.

<sup>81</sup> See Auction of 800 MHz SMR Upper 10 MHz Band, Minimum Opening Bids or Reserve Prices, DA 97-2147, Order, 12 FCC Rcd 16354, 16358 (1997).

<sup>82</sup> 47 U.S.C. § 309(j)(3)(C).

In *Procedural Public Notice I* and *II*, we proposed to use an exponential smoothing methodology to calculate minimum bid increments.<sup>83</sup> This methodology would be designed to vary the increment for a given license between a maximum and minimum value, referred to as the bid increment ceiling and floor, based on the bidding activity on that license. A similar methodology was used in previous auctions, including the original LMDS auction<sup>84</sup> and the 220 MHz auction.<sup>85</sup> The Bureau proposed initial values for the ceiling of 0.2 or 20 percent of the license value, and a floor of 0.1 or 10 percent of the license value.

The Bureau noted that it retains the discretion to change these values if circumstances so dictate, such as raising the bid increment floor toward the end of the auction to enable bids to reach their final values more quickly. The Bureau stated that it would do so by announcement in the Automated Auction System. The Bureau sought comment on the advantages and disadvantages of using the discretion to adjust the bid increment floor without prior notice, as well as on the advantages and disadvantages of, as an alternative approach, adjusting the bid increment floor gradually over a number of rounds as opposed to single large changes in the bid increment floor. The Bureau further noted that it retains the discretion to use alternate methodologies for Auction No. 22 if circumstances warrant.<sup>86</sup>

Both DiGiPH and Omnipoint would like the Bureau to alter its proposal. DiGiPH points out that the Bureau has not specified when bidders would be notified of new minimum bid increments and whether bid increments would vary round by round, contending that such notice is needed. DiGiPH recommends that the Commission maintain a uniform 10 percent minimum bid increment throughout the auction.<sup>87</sup> Omnipoint opposes use of a smoothing methodology that varies bid increments based on the number of bids for a given license in prior rounds, saying that such a technique creates artificial disparities in minimum acceptable bids from one round to the next for comparably priced licenses and destabilizes the auction. Omnipoint suggests that the Bureau instead use as a minimum bid increment for a given license the lesser of five percent of the standing high bid or \$0.0033 per MHz per pop.<sup>88</sup> If, however, the Bureau decides to use a smoothing mechanism in Auction No. 22, Omnipoint suggests that the maximum adjustment should be 10 percent of the license value and the minimum adjustment five percent. Omnipoint recommends that the Bureau change the adjustment value of the minimum acceptable bid only after prior notice of at least one "auction day" and only gradually. It questions the planned

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<sup>83</sup> *Procedural Public Notice I* at 8-9; *Procedural Public Notice II* at 3.

<sup>84</sup> See "Auction of Local Multipoint Distribution Licenses," *Public Notice*, DA 98-230 (rel. February 6, 1998).

<sup>85</sup> See "Auction of the Phase II 220 MHz Service Licenses," *Public Notice*, DA 98-1010 (rel. May 29, 1998).

<sup>86</sup> *Procedural Public Notice I* at 8-9; *Procedural Public Notice II* at 3.

<sup>87</sup> DiGiPH Comments at 3-4.

<sup>88</sup> Omnipoint Comments at 7.

retention by Bureau of discretion to raise adjustment values at the end of the auction to enable bids to reach their final values more quickly.<sup>89</sup>

We are not persuaded that following the suggestions of DiGiPH or Omnipoint would improve the fairness and efficiency of the auction. The exponential smoothing methodology we proposed was effective in the original LMDS auction, the 800 MHz SMR auction, and the 220 MHz auction; and establishing initial values at a maximum of 20 percent of the license value and a minimum of 10 percent of the license value worked well in our recent VHF Public Coast auction. In response to DiGiPH's comment about receiving notification of new minimum bid increments, we note that we always provide bidders with advance notice of a new bid increment floor over the Automated Auction System. It is impossible to predict how much notice we can provide, however; because changes in the bid increment floor are based upon bidder activity, which cannot be known in advance. With regard to Omnipoint's concern that the Bureau retains discretion to raise the minimum bid increment toward the end of the auction, we note that at the end of an auction, as at any other point in the auction, the Bureau needs the flexibility to ensure that the auction proceeds at a reasonable pace.

Accordingly, we adopt our proposals regarding minimum accepted bids for Auction No. 22. Once there is a standing high bid on a license, a bid increment will be applied to that license to establish a minimum acceptable bid for the following round. For Auction No. 22, we will utilize, as described in the Bidder Information Package, an exponential smoothing methodology to calculate minimum bid increments. The Bureau retains the discretion to change the minimum bid increment if it determines that circumstances so dictate.

#### **(4) High Bids**

Each bid will be date- and time-stamped when it is entered into the FCC computer system. In the event of tie bids, the Commission will identify the high bidder on the basis of the order in which bids are received by the Commission, starting with the earliest bid. The bidding software allows bidders to make multiple submissions in a round. As each bid is individually date and time-stamped according to when it was submitted, bids submitted by a bidder earlier in a round will have an earlier date- and time-stamp than bids submitted later in a round.

#### **(5) Bidding**

During a bidding round, a bidder may submit bids for as many licenses for which it is eligible, as well as withdraw high bids from previous bidding rounds, remove bids placed in the same bidding round, or permanently reduce eligibility. Bidders also have the option of making multiple submissions and withdrawals in each bidding round. If a bidder submits multiple bids for a single license in the same round, the system takes the last bid entered as that bidder's bid for the round, and the date- and time-stamp of that bid reflect the latest time the bid was submitted.

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<sup>89</sup> *Id.* at 8-9.

Please note that all bidding will take place either through the automated bidding software or by telephonic bidding. (Telephonic bid assistants are required to use a script when handling bids placed by telephone. Telephonic bidders are therefore reminded to allow sufficient time to bid, by placing their calls well in advance of the close of a round, because four to five minutes are necessary to complete a bid submission.) There will be no on-site bidding during Auction No. 22.

A bidder's ability to bid on specific licenses in the first round of the auction is determined by two factors: (1) the licenses applied for on FCC Form 175; and (2) the upfront payment amount deposited. The bid submission screens will be tailored for each bidder to include only those licenses for which the bidder applied on its FCC Form 175. A bidder also has the option to further tailor its bid submission screens to call up specified groups of licenses.

The bidding software requires each bidder to login to the FCC auction system during the bidding round using the FCC account number, bidder identification number, and the confidential security codes provided in the registration materials. Bidders are strongly encouraged to download and print bid confirmations after they submit their bids.

The bid entry screen of the Automated Auction System software for Auction No. 22 allows bidders to place multiple increment bids which will let bidders increase high bids from one to nine bid increments. A single bid increment is defined as the difference between the standing high bid and the minimum acceptable bid for a license.

To place a bid on a license, the bidder must enter a whole number between **1** and **9** in the bid increment multiplier (Bid Mult) field. This value will determine the amount of the bid (Amount Bid) by multiplying the bid increment multiplier by the bid increment and adding the result to the high bid amount according to the following formula:

$$\text{Amount Bid} = \text{High Bid} + (\text{Bid Mult} * \text{Bid Increment})$$

Thus, bidders may place a bid that exceeds the standing high bid by between one and nine times the bid increment. For example, to bid the minimum acceptable bid, which is equal to one bid increment, a bidder will enter "1" in the bid increment multiplier column and press submit.

For any license on which the FCC is designated as the high bidder (*i.e.*, a license that has not yet received a bid in the auction or where the high bid was withdrawn and a new bid has not yet been placed), bidders will be limited to bidding only the minimum acceptable bid. In both of these cases no increment exists for the licenses, and bidders should enter "1" in the Bid Mult field. Note that any whole number between **1** and **9** entered in the multiplier column will result in a bid value at the minimum acceptable bid amount.

## **(6) Bid Removal and Bid Withdrawal**

In *Procedural Public Notice I* and *II*, we proposed bid removal and bid withdrawal rules.<sup>90</sup> With respect to bid withdrawals, we proposed limiting each bidder to withdrawals in no more than two rounds during the course of the auction. The two rounds in which withdrawals are utilized, we proposed, would be at the bidder's discretion. We received no comments on this proposal.

#### **a. Procedures**

Before the close of a bidding round, a bidder has the option of removing any bids placed in that round. By using the "remove bid" function in the software, a bidder may effectively "unsubmit" any bid placed within that round. A bidder removing a bid placed in the same round is not subject to withdrawal payments. Removing a bid will affect a bidder's activity for the round in which it is removed. As stated, we received no comments regarding these procedures. We believe that they will enhance bidder flexibility and that they may serve to expedite the course of the auction. Therefore, we will adopt these procedures for Auction No. 22.

Once a round closes, a bidder may no longer remove a bid. However, in the next round, a bidder may withdraw standing high bids from previous rounds using the "withdraw bid" function (assuming that the bidder has not exhausted its withdrawal allowance). A high bidder that withdraws its standing high bid from a previous round is subject to the bid withdrawal payments specified in 47 C.F.R. §§ 1.2104(g) and 1.2109. The procedure for withdrawing a bid and receiving a withdrawal confirmation is essentially the same as the bidding procedure described in "High Bids," Part 4.B.(4).

The Bureau will limit the number of rounds in which bidders may place withdrawals to two rounds. These rounds will be at the bidder's discretion and there will be no limit on the number of bids that may be withdrawn in either of these rounds. Withdrawals will still be subject to the bid withdrawal payments specified in 47 C.F.R. §§ 1.2104(g) and 1.2109.

If a high bid is withdrawn, the license will be offered in the next round at the second highest bid price, which may be less than, or equal to, in the case of tie bids, the amount of the withdrawn bid, without any bid increment. The FCC will serve as a "place holder" on the license until a new acceptable bid is submitted on that license.

#### **b. Calculation**

Generally, a bidder that withdraws a standing high bid during the course of an auction will be subject to a payment equal to the lower of: (1) the difference between the net withdrawn bid and the subsequent net winning bid; or (2) the difference between the gross withdrawn bid and the subsequent gross winning bid for that license. *See* 47 C.F.R. §§ 1.2104(g) and 1.2109. No withdrawal payment will be assessed if a subsequent bid exceeds the withdrawn bid.

### **(7) Round Results**

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<sup>90</sup> *Procedural Public Notice I* at 10; *Procedural Public Notice II* at 3.

The bids placed during a round are not published until the conclusion of that bidding period. After a round closes, the FCC will compile reports of all bids placed, bids withdrawn, current high bids, new minimum accepted bids, and bidder eligibility status (bidding eligibility and activity rule waivers), and post the reports for public access.

Reports reflecting bidders' identities and bidder identification numbers for Auction No. 22 will be available before and during the auction. Thus, bidders will know in advance of this auction the identities of the bidders against which they are bidding.

#### **(8) Auction Announcements**

The FCC will use auction announcements to announce items such as schedule changes and stage transitions. All FCC auction announcements will be available on the FCC remote electronic bidding system, as well as the Internet and the FCC Bulletin Board System.

#### **(9) Other Matters**

As noted in Part 3.B., *supra*, after the short-form filing deadline, applicants may make only minor changes to their FCC Form 175 applications. For example, permissible minor changes include deletion and addition of authorized bidders (to a maximum of three) and revision of exhibits. Filers should make these changes on-line, and submit a letter to Amy Zoslov, Chief, Auctions and Industry Analysis Division, Wireless Telecommunications Bureau, Federal Communications Commission, 2025 M Street, N.W., Room 5202, Washington, D.C. 20554 (and mail a separate copy to Audrey Bashkin, Auctions and Industry Analysis Division), briefly summarizing the changes. Questions about other changes should be directed to Audrey Bashkin of the FCC Auctions and Industry Analysis Division at (202) 418-0660.

## **5. POST-AUCTION PROCEDURES**

### **A. Down Payments and Withdrawn Bid Payments**

After bidding has ended, the Commission will issue a public notice declaring the auction closed, identifying the winning bids and bidders for each license, and listing withdrawn bid payments due.

Within ten business days after release of the auction closing notice, each winning bidder must submit sufficient funds (in addition to its upfront payment) to bring its total amount of money on deposit with the Government to 20 percent of its net winning bids (actual bids less any applicable bidding credits). *See* 47 C.F.R. § 1.2107(b). In addition, by the same deadline all bidders must pay any withdrawn bid amounts due under 47 C.F.R. § 1.2104(g), as discussed in "Bid Removal and Bid Withdrawal," Part 4.B.(6). (Upfront payments are applied first to satisfy any withdrawn bid liability, before being applied toward down payments.)

### **B. Long-Form Application**

Within ten business days after release of the auction closing notice, winning bidders must submit a properly completed long-form application and required exhibits for each license won through Auction No. 22. Winning bidders for C or F block licenses that are small businesses or very small businesses (or consortia of small businesses or very small businesses) must include an exhibit demonstrating their eligibility for bidding credits. *See* 47 C.F.R. § 1.2112(b). Further filing instructions will be provided to auction winners at the close of the auction.

### **C. Default and Disqualification**

Any high bidder that defaults or is disqualified after the close of the auction (*i.e.*, fails to remit the required down payment within the prescribed period of time, fails to submit a timely long-form application, fails to make full payment, or is otherwise disqualified) will be subject to the payments described in 47 C.F.R. § 1.2104(g)(2). In such event the Commission may re-auction the license or offer it to the next highest bidders (in descending order) at their final bids. *See* 47 C.F.R. § 1.2109(b) and (c). In addition, if a default or disqualification involves gross misconduct, misrepresentation, or bad faith by an applicant, the Commission may declare the applicant and its principals ineligible to bid in future auctions, and may take any other action that it deems necessary, including institution of proceedings to revoke any existing licenses held by the applicant. *See* 47 C.F.R. § 1.2109(d).

### **D. Refund of Remaining Upfront Payment Balance**

All applicants that submitted upfront payments for a license in Auction No. 22 may be entitled to a refund of their remaining upfront payment balance after the conclusion of the auction. No refund will be made unless there are excess funds on deposit from that applicant after any applicable bid withdrawal payments have been paid.

Bidders that drop out of the auction completely may be eligible for a refund of their upfront payments before the close of the auction. However, bidders that reduce their eligibility and remain in the auction are not eligible for partial refunds of upfront payments until the close of the auction. Qualified bidders that have exhausted all of their activity rule waivers, have no remaining bidding eligibility, and have not withdrawn a high bid during the auction must submit a written refund request which includes wire transfer instructions, a Taxpayer Identification Number ("TIN"), and a copy of their bidding eligibility screen print, to:

Federal Communications Commission  
Billings and Collections Branch  
Attn: Regina Dorsey or Linwood Jenkins  
445 12th Street, SW  
Washington, DC 20024

Bidders can also fax their request to the Billings and Collections Branch at (202) 418-2843. Once the request has been approved, a refund will be sent to the address provided on the FCC Form 159.

NOTE: Refund processing generally takes up to two weeks to complete. Bidders with questions about refunds should contact Linwood Jenkins or Tim Dates at (202) 418-1995.

Media Contact: Meribeth McCarrick at (202) 418-0654  
Auctions and Industry Analysis Division: Jeff Garretson, Operations; Bob Reagle, Auctions Analysis; and Audrey Bashkin, Legal Branch, at (202) 418-0660  
Commercial Wireless Division: David Judelsohn at (202) 418-7240.

**- FCC -**

## ATTACHMENT A

### Summary of PCS Spectrum for Auction

Market No.	Market Name	License No.	Block	Spectrum (MHz)	Population*	Most Recent Net High Bid from Previous Auction	Status**	Bidding Units	Upfront Payment***	Former Defaulters Upfront Payment****	Minimum Opening Bid *****
B001	Aberdeen, SD	PBB001C	C	30	88,891	\$411,666.00	1	160,004	\$160,004.00	\$240,006.00	\$20,584.00
B002	Aberdeen, WA	PBB002C2	C	15	83,057	\$471,750.00	1	74,752	\$74,752.00	\$112,128.00	\$11,794.00
B003	Abilene, TX	PBB003C2	C	15	253,174	\$4,024,583.25	1	227,857	\$227,857.00	\$341,785.50	\$100,615.00
B004	Ada, OK	PBB004C	C	30	52,677	\$783,000.00	1	94,819	\$94,819.00	\$142,228.50	\$39,150.00
B005	Adrian, MI	PBB005C2	C	15	91,476	\$701,250.00	2,5	82,329	\$82,329.00	\$123,493.50	\$17,532.00
B006	Albany, GA	PBB006C2	C	15	324,899	\$4,839,750.75	1	292,410	\$292,410.00	\$438,615.00	\$120,994.00
B008	Albuquerque, NM	PBB008C2	C	15	688,612	\$33,322,500.00	1	619,751	\$619,751.00	\$929,626.50	\$833,063.00
B009	Alexandria, LA	PBB009C2	C	15	280,133	\$5,230,575.00	1	252,120	\$252,120.00	\$378,180.00	\$130,765.00
B011	Alpena, MI	PBB011C	C	30	63,429	\$475,500.00	1	114,173	\$114,173.00	\$171,259.50	\$23,775.00
B012	Altoona, PA	PBB012C1	C	15	222,625	\$2,218,500.00	4a	200,363	\$200,363.00	\$300,544.50	\$55,463.00
B012	Altoona, PA	PBB012C2	C	15	222,625	\$2,218,500.00	1	200,363	\$200,363.00	\$300,544.50	\$55,463.00
B013	Amarillo, TX	PBB013C	C	30	380,341	\$7,252,500.00	1	684,614	\$684,614.00	\$1,026,921.00	\$362,625.00
B014	Anchorage, AK	PBB014C	C	30	388,943	\$4,922,250.00	1	700,098	\$700,098.00	\$1,050,147.00	\$246,113.00
B015	Anderson, IN	PBB015C	C	30	178,808	\$2,083,711.50	1	321,855	\$321,855.00	\$482,782.50	\$104,186.00
B017	Anniston, AL	PBB017C2	C	15	161,897	\$1,489,728.75	1	145,708	\$145,708.00	\$218,562.00	\$37,244.00
B019	Ardmore, OK	PBB019C	C	30	83,979	\$1,653,750.00	1	151,163	\$151,163.00	\$226,744.50	\$82,688.00
B021	Ashtabula, OH	PBB021C	C	30	99,821	\$900,000.00	4d	179,678	\$179,678.00	\$269,517.00	\$45,000.00
B023	Athens, OH	PBB023C	C	30	123,864	\$1,356,825.00	1	222,956	\$222,956.00	\$334,434.00	\$67,842.00
B025	Atlantic City, NJ	PBB025C2	C	15	319,416	\$14,625,011.25	1	287,475	\$287,475.00	\$431,212.50	\$365,626.00
B026	Augusta, GA	PBB026C	C	30	521,822	\$13,067,250.00	1	939,280	\$939,280.00	\$1,408,920.00	\$653,363.00
B028	Bakersfield, CA	PBB028C	C	30	543,477	\$26,941,575.00	1	978,259	\$978,259.00	\$1,467,388.50	\$1,347,079.00
B030	Bangor, ME	PBB030C2	C	15	316,838	\$4,130,250.00	1	285,155	\$285,155.00	\$427,732.50	\$103,257.00
B031	Bartlesville, OK	PBB031C2	C	15	48,066	\$214,501.50	1	43,260	\$43,260.00	\$64,890.00	\$5,363.00
B032	Baton Rouge, LA	PBB032C	C	30	623,657	\$25,515,000.00	1	1,122,583	\$1,122,583.00	\$1,683,874.50	\$1,275,750.00
B033	Battle Creek, MI	PBB033C2	C	15	227,541	\$6,284,250.00	2,5	204,787	\$204,787.00	\$307,180.50	\$157,107.00
B034	Beaumont, TX	PBB034C	C	30	432,129	\$15,083,250.00	1	777,833	\$777,833.00	\$1,166,749.50	\$754,163.00
B035	Beckley, WV	PBB035C	C	30	167,112	\$731,257.50	1	300,802	\$300,802.00	\$451,203.00	\$36,563.00
B037	Bemidji, MN	PBB037C2	C	15	57,632	\$270,000.00	1	51,869	\$51,869.00	\$77,803.50	\$6,750.00
B038	Bend, OR	PBB038C	C	30	102,745	\$1,666,500.00	1	184,941	\$184,941.00	\$277,411.50	\$83,325.00
B039	Benton Harbor, MI	PBB039C	C	30	161,378	\$4,206,000.00	1	290,481	\$290,481.00	\$435,721.50	\$210,300.00
B040	Big Spring, TX	PBB040C2	C	15	34,589	\$650,625.75	1	31,131	\$31,131.00	\$46,696.50	\$16,266.00
B043	Binghamton, NY	PBB043C2	C	15	356,645	\$6,902,253.75	1	320,981	\$320,981.00	\$481,471.50	\$172,557.00
B044	Birmingham, AL	PBB044C2	C	15	1,200,336	\$47,250,235.50	1	1,080,303	\$1,080,303.00	\$1,620,454.50	\$1,181,256.00
B045	Bismark, ND	PBB045C	C	30	123,682	\$557,274.75	1	222,628	\$222,628.00	\$333,942.00	\$27,864.00
B046	Bloomington, IL	PBB046C	C	30	215,795	\$5,391,000.00	2	388,431	\$388,431.00	\$582,646.50	\$269,550.00
B048	Bluefield, WV	PBB048C	C	30	184,020	\$1,458,750.75	1	331,236	\$331,236.00	\$496,854.00	\$72,938.00
B049	Blytheville, AR	PBB049C	C	30	79,446	\$471,750.00	1	143,003	\$143,003.00	\$214,504.50	\$23,588.00
B050	Boise, ID	PBB050C	C	30	416,503	\$7,742,325.00	1	749,706	\$749,706.00	\$1,124,559.00	\$387,117.00
B052	Bowling Green, KY	PBB052C	C	30	222,748	\$3,783,750.00	3	400,947	\$400,947.00	\$601,420.50	\$189,188.00
B053	Bozeman, MT	PBB053C	C	30	65,077	\$1,714,500.75	1	117,139	\$117,139.00	\$175,708.50	\$85,726.00
B054	Brainerd, MN	PBB054C2	C	15	78,465	\$333,300.75	1	70,619	\$70,619.00	\$105,928.50	\$8,333.00
B055	Bremerton, WA	PBB055C2	C	15	189,731	\$9,202,500.00	1	170,758	\$170,758.00	\$256,137.00	\$230,063.00
B057	Brownwood, TX	PBB057C	C	30	57,684	\$976,500.00	1	103,832	\$103,832.00	\$155,748.00	\$48,825.00
B058	Brunswick, GA	PBB058C2	C	15	71,130	\$1,232,325.00	1	64,017	\$64,017.00	\$96,025.50	\$30,809.00
B060	Buffalo, NY	PBB060C	C	30	1,231,795	\$34,326,011.25	1	2,217,231	\$2,217,231.00	\$3,325,846.50	\$1,716,301.00
B060	Buffalo, NY	CWB060E	E	10	1,231,795	\$34,326,011.00	1	739,077	\$739,077.00	\$1,108,615.50	\$549,217.00
B063	Burlington, VT	PBB063C2	C	15	369,128	\$8,721,000.00	1	332,216	\$332,216.00	\$498,324.00	\$218,025.00
B064	Butte, MT	PBB064C	C	30	65,252	\$260,832.75	1	117,454	\$117,454.00	\$176,181.00	\$13,042.00
B065	Canton, OH	PBB065C	C	30	513,623	\$8,987,250.00	1	924,522	\$924,522.00	\$1,386,783.00	\$449,363.00
B066	Cape Girardeau, MO	PBB066C	C	30	181,795	\$2,502,750.00	1	327,231	\$327,231.00	\$490,846.50	\$125,138.00
B067	Carbondale, IL	PBB067C	C	30	209,497	\$2,370,750.00	2	377,095	\$377,095.00	\$565,642.50	\$118,538.00
B068	Carlsbad, NM	PBB068C	C	30	48,605	\$521,250.00	1	87,489	\$87,489.00	\$131,233.50	\$26,063.00
B069	Casper, WY	PBB069C	C	30	135,172	\$1,531,500.00	1	243,310	\$243,310.00	\$364,965.00	\$76,575.00
B071	Champaign, IL	PBB071C	C	30	222,312	\$6,065,250.00	2	400,162	\$400,162.00	\$600,243.00	\$303,263.00
B073	Charleston, WV	PBB073C2	C	15	481,387	\$7,925,250.75	1	433,249	\$433,249.00	\$649,873.50	\$198,132.00
B076	Chattanooga, TN	PBB076C2	C	15	510,860	\$15,966,000.00	1	459,774	\$459,774.00	\$689,661.00	\$399,150.00
B077	Cheyenne, WY	PBB077C	C	30	103,939	\$3,684,750.00	1	187,091	\$187,091.00	\$280,636.50	\$184,238.00
B078	Chicago, IL	PBB078C	C	30	8,182,076	\$461,009,045.25	2	14,727,737	\$14,727,737.00	\$22,091,605.50	\$23,050,453.00
B080	Chillicothe, OH	PBB080C2	C	15	93,579	\$1,612,500.00	1	84,222	\$84,222.00	\$126,333.00	\$40,313.00
B083	Clarksville, TN	PBB083C2	C	15	220,469	\$4,177,768.50	1	198,423	\$198,423.00	\$297,634.50	\$104,445.00
B087	Clovis, NM	PBB087C2	C	15	71,024	\$375,006.75	1	63,922	\$63,922.00	\$95,883.00	\$9,376.00
B088	Coffeyville, KS	PBB088C2	C	15	63,504	\$435,549.00	1	57,154	\$57,154.00	\$85,731.00	\$10,889.00
B089	Colorado Spring, CO	PBB089C	C	30	409,482	\$17,169,777.00	4b	737,068	\$737,068.00	\$1,105,602.00	\$858,489.00
B090	Columbia, MO	PBB090C	C	30	190,536	\$3,518,250.00	2	342,965	\$342,965.00	\$514,447.50	\$175,913.00
B092	Columbus, GA	PBB092C	C	30	342,333	\$5,265,000.00	1	616,200	\$616,200.00	\$924,300.00	\$263,250.00
B094	Columbus, MS	PBB094C2	C	15	166,415	\$2,343,750.00	1	149,774	\$149,774.00	\$224,661.00	\$58,594.00

## ATTACHMENT A

### Summary of PCS Spectrum for Auction

Market No.	Market Name	License No.	Block	Spectrum (MHz)	Population*	Most Recent Net High Bid from Previous Auction	Status**	Bidding Units	Upfront Payment***	Former Defaulters Upfront Payment****	Minimum Opening Bid *****
B096	Cookeville, TN	PBB096C2	C	15	117,613	\$1,306,554.00	1	105,852	\$105,852.00	\$158,778.00	\$32,664.00
B098	Corbin, KY	PBB098C2	C	15	128,186	\$2,205,750.00	1	115,368	\$115,368.00	\$173,052.00	\$55,144.00
B099	Corpus Christi, TX	PBB099C	C	30	499,988	\$10,306,508.25	1	899,979	\$899,979.00	\$1,349,968.50	\$515,326.00
B100	Cumberland, MD	PBB100C	C	30	156,707	\$2,516,250.00	1	282,073	\$282,073.00	\$423,109.50	\$125,813.00
B101	Dallas, TX	PBB101C	C	30	4,329,924	\$291,023,250.00	2	7,793,864	\$7,793,864.00	\$11,690,796.00	\$14,551,163.00
B102	Dalton, GA	PBB102C	C	30	98,609	\$1,221,000.00	1	177,497	\$177,497.00	\$266,245.50	\$61,050.00
B103	Danville, IL	PBB103C2	C	15	114,241	\$1,894,256.25	1	102,817	\$102,817.00	\$154,225.50	\$47,357.00
B104	Danville, VA	PBB104C	C	30	165,434	\$6,534,753.75	1	297,782	\$297,782.00	\$446,673.00	\$326,738.00
B105	Davenport, IA	PBB105C	C	30	419,650	\$13,889,250.00	1	755,370	\$755,370.00	\$1,133,055.00	\$694,463.00
B107	Daytona Beach, FL	PBB107C	C	30	399,413	\$18,351,000.00	1	718,944	\$718,944.00	\$1,078,416.00	\$917,550.00
B108	Decatur, AL	PBB108C2	C	15	131,556	\$2,901,158.25	1	118,401	\$118,401.00	\$177,601.50	\$72,529.00
B109	Decatur, IL	PBB109C	C	30	247,608	\$6,142,500.00	2	445,695	\$445,695.00	\$668,542.50	\$307,125.00
B111	Des Moines, IA	PBB111C	C	30	728,830	\$19,164,750.00	1	1,311,894	\$1,311,894.00	\$1,967,841.00	\$958,238.00
B112	Detroit, MI	PBB112C	C	30	4,705,164	\$172,738,500.00	2	8,469,296	\$8,469,296.00	\$12,703,944.00	\$8,636,925.00
B113	Dickinson, ND	PBB113C	C	30	38,001	\$205,500.75	1	68,402	\$68,402.00	\$102,603.00	\$10,276.00
B115	Dothan, AL	PBB115C2	C	15	210,225	\$4,518,000.75	1	189,203	\$189,203.00	\$283,804.50	\$112,951.00
B116	Dover, DE	PBB116C2	C	15	251,257	\$8,798,261.25	1	226,132	\$226,132.00	\$339,198.00	\$219,957.00
B117	Du Bois, PA	PBB117C2	C	15	124,180	\$1,656,757.50	1	111,762	\$111,762.00	\$167,643.00	\$41,419.00
B118	Dubuque, IA	PBB118C	C	30	176,542	\$5,328,000.00	1	317,776	\$317,776.00	\$476,664.00	\$266,400.00
B120	Dyersburg, TN	PBB120C2	C	15	113,943	\$1,238,475.00	1	102,549	\$102,549.00	\$153,823.50	\$30,962.00
B121	Eagle Pass, TX	PBB121C	C	30	100,813	\$941,250.00	1	181,464	\$181,464.00	\$272,196.00	\$47,063.00
B122	East Liverpool, OH	PBB122C	C	30	108,276	\$585,037.50	1	194,897	\$194,897.00	\$292,345.50	\$29,252.00
B124	El Centro, CA	PBB124C	C	30	109,303	\$5,362,500.00	1	196,746	\$196,746.00	\$295,119.00	\$268,125.00
B125	El Dorado, AR	PBB125C	C	30	108,810	\$846,000.00	1	195,858	\$195,858.00	\$293,787.00	\$42,300.00
B126	Elkhart, IN	PBB126C	C	30	235,152	\$6,620,250.00	1	423,274	\$423,274.00	\$634,911.00	\$331,013.00
B127	Elmira, NY	PBB127C2	C	15	315,038	\$4,163,325.00	1	283,535	\$283,535.00	\$425,302.50	\$104,084.00
B130	Enid, OK	PBB130C	C	30	85,998	\$285,750.00	1	154,797	\$154,797.00	\$232,195.50	\$14,288.00
B131	Erie, PA	PBB131C	C	30	275,572	\$6,870,750.00	1	496,030	\$496,030.00	\$744,045.00	\$343,538.00
B132	Escanaba, MI	PBB132C	C	30	46,082	\$1,257,750.00	1	82,948	\$82,948.00	\$124,422.00	\$62,888.00
B133	Eugene, OR	PBB133C	C	30	282,912	\$15,066,000.00	1	509,242	\$509,242.00	\$763,863.00	\$753,300.00
B134	Eureka, CA	PBB134C2	C	15	142,578	\$1,181,325.00	1	128,321	\$128,321.00	\$192,481.50	\$29,534.00
B136	Fairbanks, AK	PBB136C	C	30	92,111	\$562,500.00	1	165,800	\$165,800.00	\$248,700.00	\$28,125.00
B137	Fairmont, WV	PBB137C	C	30	57,249	\$526,500.00	1	103,049	\$103,049.00	\$154,573.50	\$26,325.00
B138	Fargo, ND	PBB138C2	C	15	298,015	\$6,776,475.75	1	268,214	\$268,214.00	\$402,321.00	\$169,412.00
B139	Farmington, NM	PBB139C2	C	15	162,776	\$4,221,750.00	1	146,499	\$146,499.00	\$219,748.50	\$105,544.00
B140	Fayetteville, AR	PBB140C	C	30	222,526	\$2,282,250.00	2	400,547	\$400,547.00	\$600,820.50	\$114,113.00
B142	Fergus Falls, MN	PBB142C2	C	15	120,167	\$527,026.50	1	108,151	\$108,151.00	\$162,226.50	\$13,176.00
B143	Findlay, OH	PBB143C	C	30	147,523	\$1,996,162.50	1	265,542	\$265,542.00	\$398,313.00	\$99,809.00
B144	Flagstaff, AZ	PBB144C	C	30	96,591	\$3,506,250.00	1	173,864	\$173,864.00	\$260,796.00	\$175,313.00
B145	Flint, MI	PBB145C	C	30	500,229	\$8,615,250.00	2	900,413	\$900,413.00	\$1,350,619.50	\$430,763.00
B146	Florence, AL	PBB146C2	C	15	173,076	\$2,997,148.50	1	155,769	\$155,769.00	\$233,653.50	\$74,929.00
B149	Ft Collins, CO	PBB149C	C	30	186,136	\$6,450,001.00	4b	335,045	\$335,045.00	\$502,567.50	\$322,501.00
B153	Ft Smith, AR	PBB153C	C	30	282,187	\$4,660,500.75	2	507,937	\$507,937.00	\$761,905.50	\$233,026.00
B155	Ft Wayne, IN	PBB155C	C	30	646,736	\$19,629,961.50	1	1,164,125	\$1,164,125.00	\$1,746,187.50	\$981,499.00
B155	Ft Wayne, IN	CWB155E	E	10	646,736	\$19,629,962.00	1	388,042	\$388,042.00	\$582,063.00	\$314,080.00
B156	Fredericksburg, VA	PBB156C	C	30	124,654	\$6,122,253.75	1	224,378	\$224,378.00	\$336,567.00	\$306,113.00
B157	Fresno, CA	PBB157C	C	30	755,580	\$47,026,575.00	1	1,360,044	\$1,360,044.00	\$2,040,066.00	\$2,351,329.00
B158	Gadsden, AL	PBB158C2	C	15	174,034	\$1,606,013.25	1	156,631	\$156,631.00	\$234,946.50	\$40,151.00
B162	Gallup, NM	PBB162C2	C	15	122,277	\$1,817,250.00	1	110,050	\$110,050.00	\$165,075.00	\$45,432.00
B163	Garden City, KS	PBB163C	C	30	65,059	\$364,500.00	1	117,107	\$117,107.00	\$175,660.50	\$18,225.00
B164	Glens Falls, NY	PBB164C	C	30	118,539	\$1,650,000.00	4d	213,371	\$213,371.00	\$320,056.50	\$82,500.00
B166	Grand Forks, ND	PBB166C2	C	15	213,932	\$1,899,083.25	1	192,539	\$192,539.00	\$288,808.50	\$47,478.00
B166	Grand Forks, ND	CWB166E	E	10	213,932	\$1,899,083.00	1	128,360	\$128,360.00	\$192,540.00	\$30,386.00
B167	Grand Island, NE	PBB167C2	C	15	141,541	\$4,447,500.00	1	127,387	\$127,387.00	\$191,080.50	\$111,188.00
B168	Grand Junction, CO	PBB168C	C	30	187,062	\$4,879,500.00	1	336,712	\$336,712.00	\$505,068.00	\$243,975.00
B169	Grand Rapids, MI	PBB169C2	C	15	916,060	\$30,267,750.00	2,5	824,454	\$824,454.00	\$1,236,681.00	\$756,694.00
B170	Great Bend, KS	PBB170C	C	30	40,779	\$191,250.00	1	73,403	\$73,403.00	\$110,104.50	\$9,563.00
B171	Great Falls, MT	PBB171C	C	30	161,038	\$639,999.75	1	289,869	\$289,869.00	\$434,803.50	\$32,000.00
B172	Greeley, CO	PBB172C	C	30	131,821	\$3,840,750.00	1	237,278	\$237,278.00	\$355,917.00	\$192,038.00
B175	Greenville, MS	PBB175C2	C	15	213,943	\$1,064,250.00	1	192,549	\$192,549.00	\$288,823.50	\$26,607.00
B180	Hammond, LA	PBB180C	C	30	95,583	\$2,466,075.00	1	172,050	\$172,050.00	\$258,075.00	\$123,304.00
B181	Harrisburg, PA	PBB181C	C	30	654,808	\$17,457,761.25	1	1,178,655	\$1,178,655.00	\$1,767,982.50	\$872,889.00
B182	Harrison, AR	PBB182C2	C	15	74,459	\$394,500.00	1	67,014	\$67,014.00	\$100,521.00	\$9,863.00
B183	Harrisonburg, VA	PBB183C2	C	15	128,910	\$1,812,453.75	1	116,019	\$116,019.00	\$174,028.50	\$45,312.00
B184	Hartford, CT	PBB184C	C	30	1,123,678	\$51,321,750.00	1	2,022,621	\$2,022,621.00	\$3,033,931.50	\$2,566,088.00
B185	Hastings, NE	PBB185C	C	30	72,833	\$930,075.75	1	131,100	\$131,100.00	\$196,650.00	\$46,504.00

**ATTACHMENT A**  
**Summary of PCS Spectrum for Auction**

Market No.	Market Name	License No.	Block	Spectrum (MHz)	Population*	Most Recent Net High Bid from Previous Auction	Status**	Bidding Units	Upfront Payment***	Former Defaulters Upfront Payment****	Minimum Opening Bid *****
B187	Hays, KS	PBB187C	C	30	60,926	\$492,000.00	1	109,667	\$109,667.00	\$164,500.50	\$24,600.00
B188	Helena, MT	PBB188C	C	30	58,752	\$1,158,000.00	1	105,754	\$105,754.00	\$158,631.00	\$57,900.00
B190	Hilo, HI	PBB190C	C	30	120,317	\$3,611,262.00	2	216,571	\$216,571.00	\$324,856.50	\$180,564.00
B191	Hobbs, NM	PBB191C2	C	15	55,765	\$445,506.75	1	50,189	\$50,189.00	\$75,283.50	\$11,138.00
B192	Honolulu, HI	PBB192C	C	30	836,231	\$53,594,250.00	2	1,505,216	\$1,505,216.00	\$2,257,824.00	\$2,679,713.00
B193	Hot Springs, AR	PBB193C2	C	15	117,439	\$1,886,250.00	1	105,696	\$105,696.00	\$158,544.00	\$47,157.00
B194	Houghton, MI	PBB194C	C	30	45,101	\$180,375.00	1	81,182	\$81,182.00	\$121,773.00	\$9,019.00
B195	Houma, LA	PBB195C2	C	15	263,681	\$6,640,500.00	2,5	237,313	\$237,313.00	\$355,969.50	\$166,013.00
B197	Huntington, WV	PBB197C	C	30	363,936	\$4,972,500.00	1	655,085	\$655,085.00	\$982,627.50	\$248,625.00
B198	Huntsville, AL	PBB198C2	C	15	439,832	\$13,091,408.25	1	395,849	\$395,849.00	\$593,773.50	\$327,286.00
B199	Huron, SD	PBB199C	C	30	53,189	\$384,000.00	1	95,741	\$95,741.00	\$143,611.50	\$19,200.00
B199	Huron, SD	CWB199E	E	10	53,189	\$384,000.00	1	31,914	\$31,914.00	\$47,871.00	\$6,144.00
B201	Hyannis, MA	PBB201C	C	30	204,256	\$9,000,000.00	1	367,661	\$367,661.00	\$551,491.50	\$450,000.00
B202	Idaho Falls, ID	PBB202C	C	30	190,267	\$4,440,750.00	1	342,481	\$342,481.00	\$513,721.50	\$222,038.00
B203	Indiana, PA	PBB203C2	C	15	89,994	\$1,076,257.50	1	80,995	\$80,995.00	\$121,492.50	\$26,907.00
B205	Iowa City, IA	PBB205C	C	30	115,731	\$2,564,250.00	1	208,316	\$208,316.00	\$312,474.00	\$128,213.00
B206	Iron Mountain, MI	PBB206C	C	30	44,596	\$318,750.00	1	80,273	\$80,273.00	\$120,409.50	\$15,938.00
B207	Ironwood, MI	PBB207C	C	30	33,059	\$198,356.25	1	59,507	\$59,507.00	\$89,260.50	\$9,918.00
B208	Ithaca, NY	PBB208C2	C	15	94,097	\$2,325,003.75	1	84,688	\$84,688.00	\$127,032.00	\$58,126.00
B209	Jackson, MI	PBB209C2	C	15	193,187	\$1,974,000.00	2,5	173,869	\$173,869.00	\$260,803.50	\$49,350.00
B210	Jackson, MS	PBB210C2	C	15	615,521	\$18,126,000.00	1	553,969	\$553,969.00	\$830,953.50	\$453,150.00
B211	Jackson, TN	PBB211C2	C	15	255,379	\$2,882,442.00	1	229,842	\$229,842.00	\$344,763.00	\$72,062.00
B213	Jacksonville, IL	PBB213C2	C	15	70,795	\$300,000.00	1	63,716	\$63,716.00	\$95,574.00	\$7,500.00
B215	Jamestown, NY	PBB215C	C	30	186,945	\$3,793,500.00	1	336,501	\$336,501.00	\$504,751.50	\$189,675.00
B217	Jefferson City, MO	PBB217C	C	30	141,404	\$2,122,500.00	1	254,528	\$254,528.00	\$381,792.00	\$106,125.00
B218	Johnstown, PA	PBB218C	C	30	241,247	\$2,479,999.50	1	434,245	\$434,245.00	\$651,367.50	\$124,000.00
B219	Jonesboro, AR	PBB219C	C	30	159,439	\$1,853,250.00	2	286,991	\$286,991.00	\$430,486.50	\$92,663.00
B221	Juneau, AK	PBB221C	C	30	68,989	\$622,612.50	1	124,181	\$124,181.00	\$186,271.50	\$31,131.00
B222	Kahului, HI	PBB222C	C	30	100,504	\$7,752,000.00	1	180,908	\$180,908.00	\$271,362.50	\$387,600.00
B223	Kalamazoo, MI	PBB223C	C	30	352,384	\$8,403,000.00	2	634,292	\$634,292.00	\$951,438.00	\$420,150.00
B224	Kalispell, MT	PBB224C	C	30	59,218	\$715,500.75	1	106,593	\$106,593.00	\$159,889.50	\$35,776.00
B225	Kankakee, IL	PBB225C	C	30	127,042	\$912,202.50	2	228,676	\$228,676.00	\$343,014.00	\$45,611.00
B227	Keene, NH	PBB227C	C	30	111,709	\$3,795,000.00	1	201,077	\$201,077.00	\$301,615.50	\$189,750.00
B228	Kenewick, WA	PBB228C2	C	15	150,033	\$1,437,750.00	1	135,030	\$135,030.00	\$202,545.00	\$35,944.00
B228	Kenewick, WA	CWB228F	F	10	150,033	\$1,437,750.00	1	90,020	\$90,020.00	\$135,030.00	\$23,004.00
B229	Kingsport, TN	PBB229C2	C	15	652,639	\$8,524,848.00	1	587,376	\$587,376.00	\$881,064.00	\$213,122.00
B230	Kirksville, MO	PBB230C	C	30	55,563	\$287,250.00	1	100,014	\$100,014.00	\$150,021.00	\$14,363.00
B232	Knoxville, TN	PBB232C2	C	15	948,055	\$23,865,315.75	1	853,250	\$853,250.00	\$1,279,875.00	\$596,633.00
B233	Kokomo, IN	PBB233C2	C	15	184,899	\$3,926,846.25	1	166,410	\$166,410.00	\$249,615.00	\$98,172.00
B233	Kokomo, IN	CWB233F	F	10	184,899	\$3,926,846.00	1	110,940	\$110,940.00	\$166,410.00	\$62,830.00
B236	Lafayette, LA	PBB236C	C	30	496,579	\$15,265,500.00	1	893,843	\$893,843.00	\$1,340,764.50	\$763,275.00
B237	La Grange, GA	PBB237C2	C	15	64,164	\$864,750.75	1	57,748	\$57,748.00	\$86,622.00	\$21,619.00
B240	Lancaster, PA	PBB240C	C	30	422,822	\$13,198,416.00	1	761,080	\$761,080.00	\$1,141,620.00	\$659,921.00
B242	Laredo, TX	PBB242C	C	30	152,881	\$6,799,582.50	1	275,186	\$275,186.00	\$412,779.00	\$339,980.00
B243	Las Salle, IL	PBB243C	C	30	148,331	\$1,930,500.00	2	266,996	\$266,996.00	\$400,494.00	\$96,525.00
B245	Las Vegas, NV	PBB245C2	C	15	857,856	\$57,118,575.75	2,5	772,071	\$772,071.00	\$1,158,106.50	\$1,427,965.00
B247	Lawrence, KS	PBB247C	C	30	81,798	\$2,991,000.00	1	147,237	\$147,237.00	\$220,855.50	\$149,550.00
B249	Lebanon, NH	PBB249C	C	30	167,576	\$4,451,261.25	1	301,637	\$301,637.00	\$452,455.50	\$222,564.00
B250	Lewiston, ID	PBB250C	C	30	110,028	\$537,075.00	1	198,051	\$198,051.00	\$297,076.50	\$26,854.00
B251	Lewiston, ME	PBB251C2	C	15	221,697	\$4,626,000.00	1	199,528	\$199,528.00	\$299,292.00	\$115,650.00
B253	Liberal, KS	PBB253C	C	30	53,960	\$318,750.00	1	97,128	\$97,128.00	\$145,692.00	\$15,938.00
B254	Lihue, HI	PBB254C	C	30	51,177	\$2,512,500.00	1	92,119	\$92,119.00	\$138,178.50	\$125,625.00
B255	Lima, OH	PBB255C	C	30	249,734	\$3,426,000.00	2	449,522	\$449,522.00	\$674,283.00	\$171,300.00
B256	Lincoln, NE	PBB256C2	C	15	309,515	\$7,657,871.25	1	278,564	\$278,564.00	\$417,846.00	\$191,447.00
B257	Little Rock, AR	PBB257C	C	30	852,026	\$22,610,250.00	2	1,533,647	\$1,533,647.00	\$2,300,470.50	\$1,130,513.00
B258	Logan, UT	PBB258C	C	30	79,415	\$276,825.00	1	142,947	\$142,947.00	\$214,420.50	\$13,842.00
B259	Logan, WV	PBB259C	C	30	43,032	\$639,000.00	1	77,458	\$77,458.00	\$116,187.00	\$31,950.00
B260	Longview, TX	PBB260C	C	30	292,659	\$4,059,000.00	2	526,787	\$526,787.00	\$790,180.50	\$202,950.00
B264	Lubbock, TX	PBB264C2	C	15	392,901	\$4,385,333.25	1	353,611	\$353,611.00	\$530,416.50	\$109,634.00
B265	Lufkin, TX	PBB265C	C	30	144,081	\$2,840,250.00	1	259,346	\$259,346.00	\$389,019.00	\$142,013.00
B266	Lynchburg, VA	PBB266C	C	30	154,497	\$6,144,000.75	1	278,095	\$278,095.00	\$417,142.50	\$307,201.00
B267	McAlester, OK	PBB267C	C	30	50,914	\$774,000.00	1	91,646	\$91,646.00	\$137,469.00	\$38,700.00
B269	McComb, MS	PBB269C	C	30	107,298	\$2,424,000.00	1	193,137	\$193,137.00	\$289,705.50	\$121,200.00
B270	McCook, NE	PBB270C2	C	15	36,618	\$671,962.50	1	32,957	\$32,957.00	\$49,435.50	\$16,800.00
B271	Macon, GA	PBB271C	C	30	589,208	\$11,700,075.75	1	1,060,575	\$1,060,575.00	\$1,590,862.50	\$585,004.00
B273	Madisonville, KY	PBB273C	C	30	46,126	\$692,250.00	3	83,027	\$83,027.00	\$124,540.50	\$34,613.00

## ATTACHMENT A

### Summary of PCS Spectrum for Auction

Market No.	Market Name	License No.	Block	Spectrum (MHz)	Population*	Most Recent Net High Bid from Previous Auction	Status**	Bidding Units	Upfront Payment***	Former Defaulters Upfront Payment****	Minimum Opening Bid *****
B275	Manhattan, KS	PBB275C	C	30	122,878	\$2,910,000.00	1	221,181	\$221,181.00	\$331,771.50	\$145,500.00
B277	Mankato, MN	PBB277C	C	30	245,144	\$4,216,500.00	1	441,260	\$441,260.00	\$661,890.00	\$210,825.00
B278	Mansfield, OH	PBB278C	C	30	221,514	\$5,541,000.00	1	398,726	\$398,726.00	\$598,089.00	\$277,050.00
B279	Marinette, WI	PBB279C	C	30	65,468	\$1,604,250.00	1	117,843	\$117,843.00	\$176,764.50	\$80,213.00
B280	Marion, IN	PBB280C2	C	15	109,238	\$2,374,496.25	1	98,315	\$98,315.00	\$147,472.50	\$59,363.00
B281	Marion, OH	PBB281C	C	30	92,023	\$1,211,250.00	1	165,642	\$165,642.00	\$248,463.00	\$60,563.00
B282	Marquette, MI	PBB282C	C	30	79,859	\$1,252,500.00	1	143,747	\$143,747.00	\$215,620.50	\$62,625.00
B284	Martinsville, VA	PBB284C2	C	15	90,577	\$1,434,000.00	1	81,520	\$81,520.00	\$122,280.00	\$35,850.00
B286	Mattoon, IL	PBB286C	C	30	62,314	\$434,325.00	1	112,166	\$112,166.00	\$168,249.00	\$21,717.00
B287	Meadville, PA	PBB287C2	C	15	86,169	\$1,343,253.75	1	77,553	\$77,553.00	\$116,329.50	\$33,582.00
B288	Medford, OR	PBB288C	C	30	209,038	\$4,284,750.00	1	376,269	\$376,269.00	\$564,403.50	\$214,238.00
B290	Memphis, TN	PBB290C2	C	15	1,396,390	\$52,327,500.00	1	1,256,751	\$1,256,751.00	\$1,885,126.50	\$1,308,188.00
B291	Merced, CA	PBB291C2	C	15	192,705	\$3,532,575.00	1	173,435	\$173,435.00	\$260,152.50	\$88,315.00
B292	Meridian, MS	PBB292C2	C	15	200,024	\$6,744,750.00	1	180,022	\$180,022.00	\$270,033.00	\$168,619.00
B294	Michigan City, IN	PBB294C	C	30	107,066	\$886,500.00	2	192,719	\$192,719.00	\$289,078.50	\$44,325.00
B295	Middlesboro, KY	PBB295C2	C	15	121,217	\$1,681,514.25	1	109,096	\$109,096.00	\$163,644.00	\$42,038.00
B296	Midland, TX	PBB296C2	C	15	111,567	\$2,328,084.00	1	100,411	\$100,411.00	\$150,616.50	\$58,203.00
B299	Minot, ND	PBB299C	C	30	122,687	\$251,666.25	1	220,837	\$220,837.00	\$331,255.50	\$12,584.00
B300	Missoula, MT	PBB300C	C	30	139,270	\$789,000.00	1	250,686	\$250,686.00	\$376,029.00	\$39,450.00
B301	Mitchell, SD	PBB301C	C	30	84,095	\$399,000.00	1	151,371	\$151,371.00	\$227,056.50	\$19,950.00
B301	Mitchell, SD	CWB301E	E	10	84,095	\$399,000.00	1	50,457	\$50,457.00	\$75,685.50	\$6,384.00
B303	Modesto, CA	PBB303C2	C	15	418,978	\$12,320,325.00	1	377,081	\$377,081.00	\$565,621.50	\$308,009.00
B304	Monroe, LA	PBB304C2	C	15	324,397	\$6,591,750.00	1	291,958	\$291,958.00	\$437,937.00	\$164,794.00
B305	Montgomery, AL	PBB305C2	C	15	440,745	\$13,493,250.00	1	396,671	\$396,671.00	\$595,006.50	\$337,332.00
B306	Morgantown, WV	PBB306C2	C	15	104,546	\$579,000.00	1	94,092	\$94,092.00	\$141,138.00	\$14,475.00
B308	Mt Vernon, IL	PBB308C	C	30	119,286	\$1,353,000.00	2	214,715	\$214,715.00	\$322,072.50	\$67,650.00
B309	Muncie, IN	PBB309C	C	30	182,386	\$2,396,461.50	1	328,295	\$328,295.00	\$492,442.50	\$119,824.00
B310	Muskegon, MI	PBB310C2	C	15	206,974	\$2,658,750.00	2,5	186,277	\$186,277.00	\$279,415.50	\$66,469.00
B311	Muskogee, OK	PBB311C2	C	15	148,267	\$5,904,750.75	1	133,441	\$133,441.00	\$200,161.50	\$147,619.00
B314	Nashville, TN	PBB314C2	C	15	1,429,309	\$60,122,953.50	1	1,286,379	\$1,286,379.00	\$1,929,568.50	\$1,503,074.00
B315	Natchez, MS	PBB315C	C	30	73,214	\$741,000.00	1	131,786	\$131,786.00	\$197,679.00	\$37,050.00
B317	New Castle, PA	PBB317C2	C	15	96,246	\$2,187,000.00	1	86,622	\$86,622.00	\$129,933.00	\$54,675.00
B320	New Orleans, LA	PBB320C2	C	15	1,367,169	\$52,815,000.00	2,5	1,230,453	\$1,230,453.00	\$1,845,679.50	\$1,320,375.00
B322	Nogales, AZ	PBB322C	C	30	29,676	\$1,240,500.00	1	53,417	\$53,417.00	\$80,125.50	\$62,025.00
B323	Norfolk, NE	PBB323C	C	30	112,526	\$814,500.00	1	202,547	\$202,547.00	\$303,820.50	\$40,725.00
B325	North Platte, NE	PBB325C2	C	15	80,249	\$1,549,346.25	1	72,225	\$72,225.00	\$108,337.50	\$38,734.00
B326	Ocala, FL	PBB326C2	C	15	194,833	\$5,764,500.00	1	175,350	\$175,350.00	\$263,025.00	\$144,113.00
B327	Odessa, TX	PBB327C2	C	15	213,420	\$3,658,505.25	1	192,078	\$192,078.00	\$288,117.00	\$91,463.00
B328	Oil City, PA	PBB328C2	C	15	105,882	\$1,424,257.50	1	95,294	\$95,294.00	\$142,941.00	\$35,607.00
B330	Olean, NY	PBB330C	C	30	239,343	\$4,697,250.00	1	430,818	\$430,818.00	\$646,227.00	\$234,863.00
B332	Omaha, NE	PBB332C2	C	15	905,991	\$25,310,475.00	2,5	815,392	\$815,392.00	\$1,223,088.00	\$632,762.00
B333	Oneonta, NY	PBB333C2	C	15	107,742	\$1,954,539.75	1	96,968	\$96,968.00	\$145,452.00	\$48,864.00
B334	Opelika, AL	PBB334C2	C	15	124,022	\$891,749.25	1	111,620	\$111,620.00	\$167,430.00	\$22,294.00
B338	Owensboro, KY	PBB338C	C	30	157,104	\$2,468,250.00	3	282,788	\$282,788.00	\$424,182.00	\$123,413.00
B339	Paducah, KY	PBB339C	C	30	217,082	\$2,417,250.00	3	390,748	\$390,748.00	\$586,122.00	\$120,863.00
B340	Panama City, FL	PBB340C2	C	15	171,195	\$4,110,000.00	1	154,076	\$154,076.00	\$231,114.00	\$102,750.00
B341	Paris, TX	PBB341C	C	30	89,422	\$2,292,750.00	1	160,960	\$160,960.00	\$241,440.00	\$114,638.00
B342	Parkersburg, WV	PBB342C	C	30	180,025	\$1,896,000.00	1	324,045	\$324,045.00	\$486,067.50	\$94,800.00
B344	Peoria, IL	PBB344C	C	30	455,643	\$13,511,250.00	1	820,158	\$820,158.00	\$1,230,237.00	\$675,563.00
B345	Petoskey, MI	PBB345C2	C	15	85,863	\$528,000.00	1	77,277	\$77,277.00	\$115,915.50	\$13,200.00
B346	Philadelphia, PA	PBB346C2	C	15	5,899,345	\$320,238,761.25	1	5,309,411	\$5,309,411.00	\$7,964,116.50	\$8,005,970.00
B347	Phoenix, AZ	PBB347C	C	30	2,404,760	\$213,807,750.00	1	4,328,568	\$4,328,568.00	\$6,492,852.00	\$10,690,388.00
B348	Pine Bluff, AR	PBB348C	C	30	152,918	\$1,530,750.00	1	275,253	\$275,253.00	\$412,879.50	\$76,538.00
B351	Pittsfield, MA	PBB351C	C	30	139,352	\$3,002,261.25	1	250,834	\$250,834.00	\$376,251.00	\$150,114.00
B352	Plattsburgh, NY	PBB352C	C	30	123,121	\$1,282,500.00	4d	221,618	\$221,618.00	\$332,427.00	\$64,125.00
B353	Pocatello, ID	PBB353C	C	30	89,651	\$1,020,000.00	1	161,372	\$161,372.00	\$242,058.00	\$51,000.00
B355	Poplar Bluff, MO	PBB355C	C	30	148,240	\$1,381,500.00	2	266,832	\$266,832.00	\$400,248.00	\$69,075.00
B356	Port Angeles, WA	PBB356C2	C	15	76,610	\$597,150.00	1	68,949	\$68,949.00	\$103,423.50	\$14,929.00
B359	Portsmouth, OH	PBB359C	C	30	93,356	\$1,253,250.00	1	168,041	\$168,041.00	\$252,061.50	\$62,663.00
B360	Pottsville, PA	PBB360C	C	30	152,585	\$4,561,511.25	1	274,653	\$274,653.00	\$411,979.50	\$228,076.00
B362	Prescott, AZ	PBB362C	C	30	107,714	\$4,575,000.00	1	193,886	\$193,886.00	\$290,829.00	\$228,750.00
B363	Presque Isle, ME	PBB363C	C	30	86,936	\$562,500.00	1	156,485	\$156,485.00	\$234,727.50	\$28,125.00
B365	Provo, UT	PBB365C	C	30	269,407	\$6,678,075.00	1	484,933	\$484,933.00	\$727,399.50	\$333,904.00
B366	Pueblo, CO	PBB366C	C	30	266,001	\$4,991,674.50	1	478,802	\$478,802.00	\$718,203.00	\$249,584.00
B367	Quincy, IL	PBB367C	C	30	177,213	\$1,531,500.00	1	318,984	\$318,984.00	\$478,476.00	\$76,575.00
B369	Rapid City, SD	PBB369C	C	30	181,278	\$1,470,000.75	1	326,301	\$326,301.00	\$489,451.50	\$73,501.00

# ATTACHMENT A

## Summary of PCS Spectrum for Auction

Market No.	Market Name	License No.	Block	Spectrum (MHz)	Population*	Most Recent Net High Bid from Previous Auction	Status**	Bidding Units	Upfront Payment***	Former Defaulters Upfront Payment****	Minimum Opening Bid *****
B370	Reading, PA	PBB370C2	C	15	336,523	\$15,030,761.25	1	302,871	\$302,871.00	\$454,306.50	\$375,770.00
B371	Redding, CA	PBB371C2	C	15	253,255	\$4,500,825.00	1	227,930	\$227,930.00	\$341,895.00	\$112,521.00
B372	Reno, NV	PBB372C	C	30	439,279	\$27,802,575.00	1	790,703	\$790,703.00	\$1,186,054.50	\$1,390,129.00
B373	Richmond, IN	PBB373C	C	30	104,942	\$855,000.00	4d	188,896	\$188,896.00	\$283,344.00	\$42,750.00
B378	Rochester, MN	PBB378C	C	30	233,167	\$4,389,000.00	1	419,701	\$419,701.00	\$629,551.50	\$219,450.00
B379	Rochester, NY	PBB379C	C	30	1,118,963	\$27,255,011.25	1	2,014,134	\$2,014,134.00	\$3,021,201.00	\$1,362,751.00
B380	Rockford, IL	PBB380C	C	30	412,120	\$14,433,000.00	2	741,816	\$741,816.00	\$1,112,724.00	\$721,650.00
B381	Rock Springs, WY	PBB381C	C	30	56,981	\$849,000.00	1	102,566	\$102,566.00	\$153,849.00	\$42,450.00
B383	Rolla, MO	PBB383C	C	30	98,233	\$804,750.00	1	176,820	\$176,820.00	\$265,230.00	\$40,238.00
B384	Rome, GA	PBB384C	C	30	115,066	\$1,584,000.00	1	207,119	\$207,119.00	\$310,678.50	\$79,200.00
B385	Roseburg, OR	PBB385C	C	30	94,649	\$1,659,000.00	1	170,369	\$170,369.00	\$255,553.50	\$82,950.00
B386	Roswell, NM	PBB386C2	C	15	70,068	\$1,174,512.00	1	63,062	\$63,062.00	\$94,593.00	\$29,363.00
B387	Russellville, AR	PBB387C2	C	15	81,863	\$582,000.00	1	73,677	\$73,677.00	\$110,515.50	\$14,550.00
B388	Rutland, VT	PBB388C2	C	15	97,987	\$2,850,375.00	1	88,189	\$88,189.00	\$132,283.50	\$71,260.00
B391	St Cloud, MN	PBB391C	C	30	243,888	\$6,826,043.00	1	438,999	\$438,999.00	\$658,498.50	\$341,303.00
B392	St George, UT	PBB392C2	C	15	83,263	\$2,522,250.00	1	74,937	\$74,937.00	\$112,405.50	\$63,057.00
B394	St Louis, MO	PBB394C	C	30	2,742,114	\$104,425,579.50	2	4,935,806	\$4,935,806.00	\$7,403,709.00	\$5,221,279.00
B395	Salem, OR	PBB395C	C	30	440,062	\$17,070,000.00	1	792,112	\$792,112.00	\$1,188,168.00	\$853,500.00
B396	Salina, KS	PBB396C	C	30	143,408	\$1,200,750.00	1	258,135	\$258,135.00	\$387,202.50	\$60,038.00
B397	Salinas, CA	CWB397D	D	10	355,660	\$9,891,000.00	4c	213,396	\$213,396.00	\$320,094.00	\$158,256.00
B398	Salisbury, MD	PBB398C	C	30	163,043	\$4,878,750.00	1	293,478	\$293,478.00	\$440,217.00	\$243,938.00
B399	Salt Lake City, UT	PBB399C	C	30	1,308,035	\$82,293,825.00	1	2,354,463	\$2,354,463.00	\$3,531,694.50	\$4,114,692.00
B400	San Angelo, TX	PBB400C2	C	15	155,845	\$2,972,333.25	1	140,261	\$140,261.00	\$210,391.50	\$74,309.00
B403	Sandusky, OH	PBB403C2	C	15	133,019	\$3,375,000.00	2,5	119,718	\$119,718.00	\$179,577.00	\$84,375.00
B405	San Luis Obispo, C	CWD405D	D	10	217,162	\$16,471,500.00	4c	130,298	\$130,298.00	\$195,447.00	\$263,544.00
B405	San Luis Obispo, C	CWD405F	F	10	217,162	\$16,471,500.00	4c	130,298	\$130,298.00	\$195,447.00	\$263,544.00
B406	Santa Barbara, CA	CWD406D	D	10	369,608	\$19,200,750.00	4c	221,765	\$221,765.00	\$332,647.50	\$307,212.00
B407	Santa Fe, NM	PBB407C2	C	15	174,526	\$6,600,000.00	1	157,074	\$157,074.00	\$235,611.00	\$165,000.00
B409	Sault Ste. Marie, M	PBB409C	C	30	51,041	\$929,250.00	1	91,874	\$91,874.00	\$137,811.00	\$46,463.00
B410	Savannah, GA	PBB410C2	C	15	630,180	\$19,875,000.00	1	567,162	\$567,162.00	\$850,743.00	\$496,875.00
B414	Sedalia, MO	PBB414C2	C	15	79,705	\$445,500.00	1	71,735	\$71,735.00	\$107,602.50	\$11,138.00
B416	Sharon, PA	PBB416C2	C	15	121,003	\$1,783,500.00	1	108,903	\$108,903.00	\$163,354.50	\$44,588.00
B418	Sherman, TX	PBB418C	C	30	151,914	\$5,995,500.75	1	273,446	\$273,446.00	\$410,169.00	\$299,776.00
B419	Shreveport, LA	PBB419C	C	30	583,266	\$12,926,250.00	2	1,049,879	\$1,049,879.00	\$1,574,818.50	\$646,313.00
B420	Sierra Vista, AZ	PBB420C	C	30	97,624	\$2,242,500.00	1	175,724	\$175,724.00	\$263,586.00	\$112,125.00
B422	Sioux Falls, SD	PBB422C	C	30	207,716	\$5,147,345.25	1	373,889	\$373,889.00	\$560,833.50	\$257,368.00
B423	Somerset, KY	PBB423C	C	30	111,487	\$1,522,500.00	3	200,677	\$200,677.00	\$301,015.50	\$76,125.00
B424	South Bend, IN	PBB424C2	C	15	330,821	\$13,226,846.25	1	297,739	\$297,739.00	\$446,608.50	\$330,672.00
B425	Spokane, Wa	PBB425C2	C	15	612,862	\$11,783,325.75	1	551,576	\$551,576.00	\$827,364.00	\$294,584.00
B426	Springfield, IL	PBB426C	C	30	254,696	\$7,650,750.00	2	458,453	\$458,453.00	\$687,679.50	\$382,538.00
B427	Springfield, MA	PBB427C	C	30	672,970	\$22,495,511.25	1	1,211,346	\$1,211,346.00	\$1,817,019.00	\$1,124,776.00
B429	State College, PA	PBB429C	C	30	123,786	\$2,597,261.25	1	222,815	\$222,815.00	\$334,222.50	\$129,864.00
B430	Staunton, VA	PBB430C2	C	15	100,322	\$1,887,000.00	1	90,290	\$90,290.00	\$135,435.00	\$47,175.00
B431	Steubenville, OH	PBB431C	C	30	142,523	\$1,221,000.00	1	256,542	\$256,542.00	\$384,813.00	\$61,050.00
B435	Stroudsburg, PA	PBB435C2	C	15	95,709	\$1,629,000.00	1	86,139	\$86,139.00	\$129,208.50	\$40,725.00
B437	Sunbury, PA	PBB437C	C	30	187,362	\$4,591,511.25	1	337,252	\$337,252.00	\$505,878.00	\$229,576.00
B438	Syracuse, NY	PBB438C2	C	15	791,140	\$16,914,000.00	1	712,026	\$712,026.00	\$1,068,039.00	\$422,850.00
B439	Tallahassee, FL	PBB439C2	C	15	418,963	\$21,667,500.75	1	377,067	\$377,067.00	\$565,600.50	\$541,688.00
B442	Terre Haute, IN	PBB442C2	C	15	236,968	\$5,344,596.00	1	213,272	\$213,272.00	\$319,908.00	\$133,615.00
B443	Texarkana, TX	PBB443C	C	30	255,983	\$2,760,750.00	2	460,770	\$460,770.00	\$691,155.00	\$138,038.00
B444	Toledo, OH	PBB444C2	C	15	782,184	\$18,306,750.00	2,5	703,966	\$703,966.00	\$1,055,949.00	\$457,669.00
B446	Traverse City, MI	PBB446C2	C	15	204,600	\$3,649,500.00	1	184,140	\$184,140.00	\$276,210.00	\$91,238.00
B447	Tucson, AZ	PBB447C2	C	15	666,880	\$36,461,250.00	1	600,192	\$600,192.00	\$900,288.00	\$911,532.00
B448	Tulsa, OK	PBB448C2	C	15	836,559	\$31,869,001.50	1	752,904	\$752,904.00	\$1,129,356.00	\$796,726.00
B449	Tupelo, MS	PBB449C	C	30	291,701	\$4,520,437.50	1	525,062	\$525,062.00	\$787,593.00	\$226,022.00
B450	Tuscaloosa, AL	PBB450C2	C	15	237,918	\$4,650,228.75	1	214,127	\$214,127.00	\$321,190.50	\$116,256.00
B451	Twin Falls, ID	PBB451C	C	30	136,831	\$2,574,000.00	1	246,296	\$246,296.00	\$369,444.00	\$128,700.00
B452	Tyler, TX	PBB452C	C	30	269,762	\$9,651,000.00	2	485,572	\$485,572.00	\$728,358.00	\$482,550.00
B453	Utica, NY	PBB453C2	C	15	316,633	\$6,750,000.00	1	284,970	\$284,970.00	\$427,455.00	\$168,750.00
B454	Valdosta, GA	PBB454C	C	30	139,226	\$1,689,008.25	1	250,607	\$250,607.00	\$375,910.50	\$84,451.00
B456	Vicotria, TX	PBB456C	C	30	149,963	\$2,301,666.00	1	269,934	\$269,934.00	\$404,901.00	\$115,084.00
B457	Vincennes, IN	PBB457C2	C	15	93,758	\$480,069.75	1	84,383	\$84,383.00	\$126,574.50	\$12,002.00
B458	Visalia, CA	PBB458C2	C	15	413,390	\$9,371,325.00	1	372,051	\$372,051.00	\$558,076.50	\$234,284.00
B458	Visalia, CA	CWD458E	E	10	413,390	\$9,371,325.00	4c	248,034	\$248,034.00	\$372,051.00	\$149,942.00
B459	Waco, TX	PBB459C	C	30	270,052	\$5,889,750.00	1	486,094	\$486,094.00	\$729,141.00	\$294,488.00
B460	Walla Walla, WA	PBB460C2	C	15	151,563	\$1,310,252.25	1	136,407	\$136,407.00	\$204,610.50	\$32,757.00

**ATTACHMENT A**  
**Summary of PCS Spectrum for Auction**

Market No.	Market Name	License No.	Block	Spectrum (MHz)	Population*	Most Recent Net High Bid from Previous Auction	Status**	Bidding Units	Upfront Payment***	Former Defaulters Upfront Payment****	Minimum Opening Bid *****
B463	Watertown, NY	PBB463C2	C	15	296,253	\$3,647,250.00	1	266,628	\$266,628.00	\$399,942.00	\$91,182.00
B464	Watertown, SD	PBB464C	C	30	74,555	\$534,750.00	1	134,199	\$134,199.00	\$201,298.50	\$26,738.00
B465	Waterville, ME	PBB465C2	C	15	165,671	\$1,961,250.00	1	149,104	\$149,104.00	\$223,656.00	\$49,032.00
B467	Waycross, GA	PBB467C	C	30	99,034	\$576,750.75	1	178,262	\$178,262.00	\$267,393.00	\$28,838.00
B468	Wenatchee, WA	PBB468C2	C	15	166,563	\$890,250.75	1	149,907	\$149,907.00	\$224,860.50	\$22,257.00
B470	West Plains, MO	PBB470C	C	30	67,165	\$262,500.00	1	120,897	\$120,897.00	\$181,345.50	\$13,125.00
B471	Wheeling, WV	PBB471C	C	30	219,937	\$2,025,000.00	1	395,887	\$395,887.00	\$593,830.50	\$101,250.00
B472	Wichita, KS	PBB472C	C	30	597,494	\$9,632,337.00	1	1,075,490	\$1,075,490.00	\$1,613,235.00	\$481,617.00
B473	Wichita Falls, TX	PBB473C	C	30	209,339	\$4,292,259.00	1	376,811	\$376,811.00	\$565,216.50	\$214,613.00
B474	Williamson, WV	PBB474C	C	30	185,682	\$1,403,250.00	3	334,228	\$334,228.00	\$501,342.00	\$70,163.00
B475	Williamsport, PA	PBB475C	C	30	161,996	\$2,241,761.25	1	291,593	\$291,593.00	\$437,389.50	\$112,089.00
B476	Williston, ND	PBB476C	C	30	27,512	\$462,755.25	1	49,522	\$49,522.00	\$74,283.00	\$23,138.00
B477	Wilmar, MN	PBB477C2	C	15	123,749	\$512,011.50	1	111,375	\$111,375.00	\$167,062.50	\$12,801.00
B481	Worthington, MN	PBB481C2	C	15	96,602	\$340,500.00	1	86,942	\$86,942.00	\$130,413.00	\$8,513.00
B482	Yakima, WA	PBB482C2	C	15	215,548	\$3,558,000.75	1	193,994	\$193,994.00	\$290,991.00	\$88,951.00
B483	York, PA	PBB483C	C	30	417,848	\$9,045,011.25	1	752,127	\$752,127.00	\$1,128,190.50	\$452,251.00
B484	Youngstown, OH	PBB484C	C	30	492,619	\$12,059,250.00	1	886,715	\$886,715.00	\$1,330,072.50	\$602,963.00
B486	Yuma, AZ	PBB486C	C	30	106,895	\$5,437,500.00	1	192,411	\$192,411.00	\$288,616.50	\$271,875.00
B487	Zanesville, OH	PBB487C	C	30	178,179	\$1,401,750.00	1	320,723	\$320,723.00	\$481,084.50	\$70,088.00
B488	San Juan, PR	PBB488C2	C	15	2,170,246	\$84,687,825.00	1	1,953,222	\$1,953,222.00	\$2,929,833.00	\$2,117,196.00
B489	Mayaguez, PR	PBB489C2	C	15	1,351,600	\$29,400,075.00	1	1,216,440	\$1,216,440.00	\$1,824,660.00	\$735,002.00
B490	Guam	PBB490C	C	30	133,000	\$1,073,250.00	2	239,400	\$239,400.00	\$359,100.00	\$53,663.00
B490	Guam	CWD490F	F	10	133,000	\$1,073,250.00	4a	79,800	\$79,800.00	\$119,700.00	\$17,172.00
B491	US Virgin Islands	PBB491C	C	30	102,000	\$7,797,750.00	1	183,600	\$183,600.00	\$275,400.00	\$389,888.00
B493	Northern Mariana Is	PBB493C	C	30	43,000	\$422,250.00	2	77,400	\$77,400.00	\$116,100.00	\$21,113.00
B493	Northern Mariana Is	CWD493F	F	10	43,000	\$422,250.00	4a	25,800	\$25,800.00	\$38,700.00	\$6,756.00
<b>TOTALS</b>								<b>164,235,505</b>	<b>\$164,235,505.00</b>	<b>\$246,353,257.50</b>	<b>\$158,284,469.00</b>

# ATTACHMENT A

## Summary of PCS Spectrum for Auction

Market No.	Market Name	License No.	Block	Spectrum (MHz)	Population*	Most Recent Net High Bid from Previous Auction	Status**	Bidding Units	Upfront Payment***	Former Defaulters Upfront Payment****	Minimum Opening Bid *****
<b>Notes:</b>											
* <b>Population</b>											
All population figures are from the 4/1/90 U.S. Census, U.S. Department of Commerce, Bureau of the Census.											
** <b>Status</b>											
1. Spectrum Never Awarded or Returned Pursuant to an Election											
2. The previous licensee of this spectrum block, DCR PCS, Inc. (a wholly owned subsidiary of Pocket Communications, Inc.), precipitated the cancellation of its license pursuant to a binding, unconditional election under Commission Rules and Orders. While DCR PCS, Inc., is currently in bankruptcy, on November 13, 1998, the judge in that case denied a request to continue a preliminary injunction preventing the Commission from "alienating" the DCR PCS, Inc., Licenses through November 16, 1998. Order Denying Further Continuation of Preliminary Injunction, In re Pocket Communications, Inc., and In re DCR PCS Inc., jointly administered under Case No. 97-5-4105-SD, and Pacific Eagle Investments, Ltd., et al. v. FCC and U.S.A., Adversary Proceeding No. 98-6223 (ESD) (Bankr. N.D. Md., entered Nov. 11, 1998). Thus, this license is now available for auction.											
3. Post-Election Installment Payment Defaults											
4. Cancellation, Petition, or Application for Review Pending											
4a. Longstreet Communication International, Inc.											
4b. Mountain Solutions Ltd., Inc.											
4c. Entertainment Unlimited											
4d. Wireless Ventures, Inc.											
5. Eleven 15 MHz C Block licenses were inadvertently listed as 30 MHz licenses in the <i>Public Notice</i> DA#98-2318 (released November 12, 1998). Accordingly, this attachment revises the license numbers.											
*** <b>Upfront Payment Calculation</b>											
Market Population * Spectrum (in MHz) * \$0.06 (result is rounded up to the next highest dollar).											
**** <b>Former Defaulters Upfront Payment Calculation</b>											
Upfront Payment Calculation multiplied by 1.5											
***** <b>Minimum Opening Bid Calculations</b>											
<u>10 MHz Licenses:</u> Net high bid (from the most recent auction) * 0.016 (result is rounded up to the next highest dollar).											
<u>15 MHz Licenses:</u> Net high bid (from the most recent auction) * 0.025 (result is rounded up to the next highest dollar).											
<u>30 MHz Licenses:</u> Net high bid (from the most recent auction) * 0.05 (result is rounded up to the next highest dollar).											

## ATTACHMENT B

### GUIDELINES FOR COMPLETION OF FCC FORM 175 AND EXHIBITS

#### A. FCC Form 175

Because of the significance of the FCC Form 175 application to the auction, bidders should especially note the following:

**Items 2-5:** Give a street address (not a Post Office box number) for the applicant, suitable for mail or private parcel delivery. The FCC will send all registration materials and other written communications to the applicant at this address.

**Item 8:** Applicants must indicate their legal classification. The FCC Form 175 requires the applicant to classify itself as an individual, joint venture, partnership, trust, corporation, consortium, association, limited liability company (LLC) or government entity.

**Item 10:** Be advised that this is the sole opportunity applicants have to elect small business status and bidding credit level (if applicable), and there is no opportunity to change the election once the short-form filing deadline passes. Applicants are also requested to indicate their status as a rural telephone company, minority-owned business and/or women-owned business, so that the FCC can monitor its performance in promoting economic opportunities for these designated entities.

- Applicants that are small or very small businesses, or consortia of small or very small businesses, should enter the applicable bidding credit in Item 10. Applicants should be aware that this is the sole opportunity that they will have to elect the appropriate bidding credit.

**Item 11 (License Selection):** Applicants should identify all licenses on which they want to be eligible to bid in the auction. Be advised that there is no opportunity to change this list once the short-form filing deadline passes. The FCC auction system will not accept bids on licenses for which an applicant has not applied on its FCC Form 175.

**Item 12:** Applicants must list the name(s) of the person(s) (no more than three) authorized to represent them at the auction. Only those individuals listed on the FCC Form 175 will be authorized to place or withdraw bids for the applicant during the auction. **Note: Applicants may only share a common authorized bidder(s) if each applicant has selected separate markets. See 47 C.F.R. § 1.2105(c).**

**Certifications:** Applicants should carefully read the list of certifications on the FCC Form 175. These certifications help to ensure a fair and competitive auction and require, among

other things, disclosure to the Commission of certain information on applicant ownership and agreements or arrangements concerning the auction. Submission of an FCC Form 175 application constitutes a representation by the certifying official that he or she is an authorized representative of the applicant, has read the form's instructions and certifications, and that the contents of the application and its attachments are true and correct. Submission of a false certification to the Commission may result in penalties, including monetary forfeitures, license forfeitures, ineligibility to participate in future auctions, and/or criminal prosecution. Applicants should type the name of the certifying official in the Name of Person Certifying block.

**Contact person:** If the Commission wishes to communicate with the applicant by telephone or fax, those communications will be directed to the contact person identified on the FCC Form 175. Space is provided for a telephone number, fax number, and e-mail address. All written communication and registration information will be directed to the applicant's contact person at the address specified on the FCC Form 175. Applicants must provide a street address; no P.O. Box addresses may be used.

**Completeness:** Applicants must submit all information required by the FCC Form 175 and by applicable rules. **Failure to submit required information by the resubmission date will result in dismissal of the application and inability to participate in the auction.** See 47 C.F.R. § 1.2105(b).

**NOTE: Applicants must press the "Submit Form 175" button on the "Submit" page to successfully submit their FCC Form 175.**

**Continuing Accuracy:** Each applicant is responsible for the continuing accuracy and completeness of information furnished in the FCC Form 175 and its exhibits. See 47 C.F.R. § 1.65. It is the FCC's position that during the conduct of an auction, thirty business days from a reportable change is a reasonable period of time. Applicants are reminded that Certification 6 on the FCC Form 175 includes consent to be audited.

## **B. Exhibits and Attachments**

In addition to the FCC Form 175 itself, applicants must submit additional information required by the FCC's rules. Although the FCC does not require a particular format for this information, it has developed the following guidelines that will facilitate the processing of short-form applications. The FCC encourages applicants to submit this information using the following format.

*When electronically uploading attachments in the FCC Form 175 Submission, applicants may use a variety of file formats including Word, Wordperfect, Adobe PDF, Excel, Lotus, and ASCII text and should verify that the files contain all exhibit information. Graphics file uploads (e.g., .bmp, .tiff, .jpg) are not supported, and graphics images should not be imported into any word processing files that are uploaded.*

*If you find that an attachment has not converted properly to Adobe PDF format, take the following steps:*

- 1. Re-upload the attachment.*
- 2. Simplify the formatting of the file. For example, if using a Table structure in a Wordperfect document, remove the Table structure and leave the contents of the table, and then re-upload.*

**NOTE: Applicants should not list their TIN numbers on any Exhibits to their FCC Form 175s.**

**Exhibit A -- Applicant Identity and Ownership Information:** 47 C.F.R. § 1.2105(a)(2)(ii) requires each applicant to fully disclose the real party or parties-in-interest in an exhibit to its FCC Form 175 application. Each member of an applicant applying to bid as very small or small business consortium must provide this information. The following information is required:

### **1. General Information**

#### ***Applicant Status***

#### ***Required Information***

General Partnership	Name, citizenship, and address of all partners, and the share or interest participation of each partner
Limited Partnership	Name, citizenship, and address of each limited partner whose interest in the applicant is equal to or greater than 10 percent (as calculated according to the percentage of equity paid in and the percentage of distribution of profits and losses)
Corporation	Corporate name and address; and name, title, and citizenship of a responsible officer or director
Limited Liability Corporation	Corporate name and address; and name, address, and citizenship of all members
Trust	Name, citizenship, and address of trustee
None of the above	Name, citizenship, title or other relation to the applicant, and address of a principal or other responsible person

## 2. Ownership Information

<b><i>Applicant Status</i></b>	<b><i>Required Information</i></b>
All applicants	Name, citizenship, and address of all attributable interests of the applicant as defined in Section 24.709.
All applicants	Name, citizenship, and address of all parties holding 10 percent or more of each class of stock, warrants, options or debt securities and the amount and percentage held
All applicants	Name of all parties holding a 10 percent or greater interest in the applicant and the specific amount held
All applicants	List of any FCC-licensed entity or applicant for an FCC license, in which <ol style="list-style-type: none"><li>the applicant;</li><li>any party with a 10 percent or greater interest in the applicant; or</li><li>an attributable interest (as defined in Section 24.709 of the Commissions Rules) of the applicant owns a 10 percent or greater interest or 10 percent or more of any class of stock, warrants, options or debt securities. This list must include a description of each such entities' principal business and a description of each such entities' relationship to the applicant.</li></ol>

*Example of a.* The applicant owns 10 percent of Company A (an FCC-licensed entity or an applicant for an FCC license). The applicant must list Company A on its Form 175 Exhibit A and provide the required information.

*Example of b.* Company A owns 10 percent of the applicant and 10 percent of Company B (an FCC-licensed entity or an applicant for an FCC license). The applicant must list both Company A and Company B on its Form 175 Exhibit A and provide the required information.

*Example of c.* A owns 55% of the applicant and owns 10 percent of Company B (an FCC-licensed entity or an applicant for an FCC license). The applicant must list both A and Company B on its Form 175 Exhibit A and provide the required information.

All applicants

List of all parties holding indirect ownership interests in the applicant as determined by successive multiplication of the ownership percentages in each link of the vertical ownership chain, that equals 10 percent or more of the applicant, except that if the ownership percentage for any link in the chain exceeds 50 percent or represents actual control, it shall be reported as if it were a 100 percent interest.

*Example.* A owns 10% of Company B, which owns 60% of Company C, which owns 25% of the applicant. Company B's interest in the applicant would be 25% (the same as Company C's interest since Company B's interest in Company C exceeds 50%), and A's interest in the applicant would be 2.5% ( $0.1 * 0.25$ ). Under the 10% attribution benchmark, Company B's interest in the applicant must be reported on the applicant's FCC Form 175 Exhibit A, while A's interest in the applicant need not be reported. However, if A owned 40% of Company B in the above example, then A's interest in the applicant would be 10% ( $0.4 * 0.25$ ), and the applicant would need to report it on the applicant's FCC Form 175 Exhibit A.

**Exhibit B -- Agreements with Other Parties/Joint Bidding Arrangements:** Applicants must attach an exhibit identifying all parties with which they have entered into any agreements, arrangements or understandings which relate in any way to the licenses being auctioned, including any relating to the post-auction market structure. See 47 C.F.R. § 1.2105(a)(2)(viii).

Be aware that pursuant to Certification (4) on the FCC Form 175, the applicant certifies that it will not enter into any explicit or implicit agreements or understandings of any kind with parties not identified in the application regarding bid amounts, bidding strategies, or the particular licenses the applicant will or will not bid. See 47 C.F.R. § 1.2105(a)(2)(ix). *To prevent collusion, the Commission's Rules generally prohibit communication among applicants for the same license areas between the initial short-form applications filing deadline and the down payment on licenses won, when such communications concern bids, bidding strategies, or settlements.* 47 C.F.R. § 1.2105(c).

**Exhibit C -- Status as a Very Small Business or Small Business:** Applicants claiming status as a very small business or small business must attach an exhibit providing the following information regarding this status.

***Entity***

***Required Information***

Applicant

Average gross revenues for the preceding three years set forth both separately (e.g., for each of the three preceding three years

individually) *and in the aggregate* (for all of the preceding three years combined). Certification that the average gross revenues for the preceding three years do not exceed the required limit, or providing average gross revenues for the 3-year period without providing the gross revenues for each of the preceding three years, is **insufficient**.

Applicant's Affiliates  
see 47 C.F.R.  
§ 1.2110(b)(4)

same information required as discussed above

Applicant's  
Attributable Interests  
see 47 C.F.R. § 24.709

same information required as discussed above

*Example.* The applicant had gross revenues of \$500,000 in 1995, \$1,000,000 in 1996, and \$3,000,000 in 1997, with average gross revenues for that time period of \$1,500,000. The applicant owns 60% of Company A, making Company A an affiliate of the applicant under Section 1.2110(b)(4)(i)(B), and Company B owns 52% of the applicant (making Company B an attributable interest of the applicant under Section 24.709). The applicant's Exhibit C would look like this:

Applicant Name

1995 gross revenues	\$ 500,000
1996 gross revenues	\$ 1,000,000
1997 gross revenues	\$ 3,000,000

Average gross revenues for the preceding 3 years	\$ 1,500,000
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Company A (an affiliate of the applicant)

1995 gross revenues	\$ enter amount
1996 gross revenues	\$ enter amount
1997 gross revenues	\$ enter amount

Average gross revenues for the preceding 3 years	\$ enter amount
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Company B (has an attributable interest in the applicant)

1995 gross revenues           \$   enter amount  
1996 gross revenues           \$   enter amount  
1997 gross revenues           \$   enter amount

Average gross revenues  
for the preceding 3 years       \$   enter amount

**TOTAL:           combined average gross revenues for the  
preceding three years of the applicant, the  
applicant's affiliates and their attributable  
interests**

**NOTE:           Each member of an applicant that is applying to bid as a consortium of small  
or very small businesses must provide this information and qualify for the  
claimed status.**

**Exhibit D -- Information Requested of Designated Entities:** Applicants owned by minorities or women, as defined in 47 C.F.R. § 1.2110(b), or that are rural telephone companies, may attach an exhibit regarding this status. This information, in conjunction with the information in Item 10, will assist the Commission in monitoring the participation of these "designated entities" in its auctions.

**Exhibit E -- Miscellaneous Information:** Applicants wishing to submit additional information should include it in Exhibit E.

**Exhibit F -- Information Required of All C Block Applicants Regarding Prior Defaults and Prior Delinquencies:** Each C block applicant must include at Exhibit F a statement made under penalty of perjury indicating whether or not the applicant has ever been in default on any Commission licenses or has ever been delinquent on any non-tax debt owed to any Federal agency. See 47 C.F.R. §§ 1.2105(a)(2)(xi), 24.709(a)(5).

Applicants are reminded that all information required in connection with applications to participate in spectrum auctions is necessary to determine the applicants' qualifications, and as such will be available for public inspection. Required proprietary information may be redacted, or confidentiality may be requested, following the procedures set forth in 47 C.F.R. § 0.459. Such requests must be submitted in writing to Amy Zoslov, Chief, Auctions and Industry Analysis Division, Wireless Telecommunications Bureau, Federal Communications Commission, 2025 M Street, N.W., Room 5202, Washington, D.C. 20554 (with a separate copy mailed to Audrey Bashkin, Legal Branch, Auctions and Industry Analysis Division), in which case the applicant must indicate in Exhibit E that it has filed a confidentiality request. Because the required information bears on applicants' qualifications, the FCC envisions that confidentiality requests will not be routinely granted.

**Waivers:** Applicants requesting waiver of any rules must submit a statement of reasons sufficient to justify the waiver sought. See 47 C.F.R. § 1.3.

# **AUCTION-SPECIFIC INSTRUCTIONS FCC REMITTANCE ADVICE, FCC FORM 159**

## **UPFRONT PAYMENTS**

The following information supplements the standard instructions for FCC Form 159, and is provided to help ensure correct completion of FCC Form 159 for upfront payments for the C, D, E, and F Block Broadband PCS auction (Auction No. 22). Applicants need to complete FCC Form 159 carefully, since:

- Mistakes may affect their bidding eligibility; and
- Lack of consistency between information set forth in FCC Form 159, FCC Form 175, long-form application, and correspondence about an application may cause processing delays.

Therefore appropriate cross-references between the FCC Form 159 Remittance Advice and the FCC Form 175 Short Form Application are described below.

<u>Block Number</u>	<u>Required Information</u>
1	LOCKBOX # - Enter "358410"
2	Payer Name - Enter the name of the person or company making the payment. If the applicant itself is the payer, this entry would be the same as FCC 175.
3	Total Amount Paid Enter the amount of the upfront payment associated with the FCC Form 159.
4-8	Street Address, City, State, ZIP Code Enter the street mailing address (not Post Office box number) where mail should be sent to the payer. If the applicant is the payer, these entries would be the same as FCC Form 175, blocks 2 through 5.
9	Daytime Telephone Number Enter the telephone number of a person knowledgeable about this upfront payment.
10	Country Code For addresses outside the United States, enter the appropriate postal country code (available from the Mailing Requirements Department of the U.S. Postal Service).
20A	Payment Type Code Enter "APCU"
21A	Quantity Enter the number "1"

22A Amount Due Enter the total upfront payment due.

23A FCC Code 1 Enter the number "22" (indicating Auction No. 22).

26 Applicant TIN - Same as FCC Form 175, block 7.

- NOTES:
- Do not use Remittance Advice (Continuation Sheet), FCC Form 159-C, for upfront payments.
  - If applicant is different from the payer, complete blocks 11 through 18 for the applicant, using the same information shown on FCC Form 175. Otherwise leave them blank.
  - Since credit card payments will not be accepted for this auction, leave this area blank.

# **WINNING BIDDER REQUIREMENTS**

## **AUCTION-SPECIFIC INSTRUCTIONS FOR FCC REMITTANCE ADVICE, FCC FORM 159: DOWN PAYMENTS AND FINAL PAYMENTS**

Specific information regarding down payments and final payments will be included in a post-auction Public Notice announcing the winning bidders.

## **POST-AUCTION LONG FORM FILING**

Within 10 business days after release of the auction closing notice, winning bidders must submit a properly completed long-form application and required exhibits for each license won through Auction No. 22. Further filing instructions will be provided to auction winners at the close of the auction.

## ATTACHMENT C

### A. ELECTRONIC FILING AND REVIEW OF THE FCC FORM 175

Applicants must submit their FCC Form 175 applications electronically using the Commission's remote access system. This system will generally be available 24 hours per day beginning January 25, 1999. FCC Form 175 applications must be submitted and confirmed by **5:30 p.m. ET on February 12, 1999**. Late applications or unconfirmed submissions of electronic data will not be accepted. Applicants must press the **Submit Form 175** button on the *Submit* page to successfully submit their FCC Form 175. The electronic filing process consists of an initial filing period and a resubmission period to make minor corrections. During each filing period, submitted applications may be updated and amended multiple times until the filing deadline.

Applicants will need to meet the following minimum hardware and software requirements:

#### Minimum Hardware Requirements

- o CPU: Intel Pentium
- o RAM: 16 MB (more recommended if you have multiple applications open)
- o Modem: v.32bis 14.4kbps Hayes compatible modem or faster
- o Monitor: VGA or above
- o Mouse or other pointing device

#### Minimum Software Requirements

- o Operating System: Microsoft Windows 95/98 [*Note: The FCC no longer supports Windows 3.1x*]
- o PPP (Point-to-Point Protocol) Dialer: Use the Dial-Up Networking feature included with Windows 95/98
- o Web Browser: Netscape Communicator 4.5 is recommended. However, you can also use Netscape Communicator 4.06, 4.07, or 4.05 with JDK 1.1 (Internet web browser software). Note: To download Netscape Communicator 4.5 free of charge, access the Netscape download site at <http://home.netscape.com/download/>
- o PDF Viewer: Adobe Acrobat Reader 3.0 or higher (available at <http://www.adobe.com>)
- o If you wish to use the download feature in the Form 175 Review, you will need a .tar file extraction utility, e.g., Winzip (available at <http://www.winzip.com>) or Pkzip for Windows (available at <http://www.hotfiles.com>).

## Connecting to the FCC Network

To file or review applications electronically, you must first connect to the FCC Network using Dial-Up Networking.

Parties submitting FCC Form 175 applications will connect to a toll-free 800 number telephone service.

Similarly, parties reviewing FCC Form 175 applications will connect to a 900 number telephone service at a charge of \$2.30 per minute. The first minute of connection time to the 900 number service will be at no charge.

Dial-Up Networking establishes a point-to-point connection from your PC to the FCC Network. *This point-to-point connection is not routed through the Internet.*

For instructions on how to connect to the FCC Network using Dial-Up Networking, see the *Accessing the FCC Network Using Windows 95/98* section.

## Submitting or Reviewing FCC Form 175 Applications

After you have connected to the FCC Network, start your Netscape Web browser. In your browser's *Location* field, enter one of the following locations:

- o For Form 175 Submit, enter ***http://wtbwww04.fcc.gov*** and then click **Form 175 Submit**
- o For Form 175 Review, enter ***http://wtbwww03.fcc.gov*** and then click **Form 175 Review**

When uploading attachments in FCC Form 175 Submission, applicants may use a variety of file formats including Word, WordPerfect, Adobe PDF, Excel, Lotus, and ASCII text and should verify that the files contain all exhibit information. Graphics file uploads (e.g., .bmp, .tiff, .jpg) are not supported, and graphics images should not be imported into any word processing files that are uploaded.

After you upload an attachment, check to see if it converted properly by selecting the PDF filename in the rightmost column. If you are unable to read this file, please do the following:

1. Re-upload the attachment.

2. If the file still has not converted properly, then simplify the formatting of the file. For example, if using a Table structure in a WordPerfect document, remove the Table structure and leave the contents of the table, then re-upload the attachment.

After you have successfully re-uploaded an attachment, please delete the old, unreadable attachment files.

Applicants must press the **Submit Form 175** button on the *Submit* page to successfully submit their FCC Form 175. During each filing period, submitted applications may be updated and amended multiple times until the filing deadline.

When you have finished, exit your Web browser; then disconnect from the FCC Network.

## **Help**

For technical assistance with installing or using FCC software, contact the FCC Technical Support Hotline at (202) 414-1250 (V) or (202) 414-1255 (TTY). The FCC Technical Support Hotline is generally available Monday through Friday, from 8 a.m. to 6 p.m. ET. *All calls to the FCC Technical Support Hotline are recorded.*

## B. ACCESSING THE FCC NETWORK USING WINDOWS 95/98

This attachment describes how to access the FCC Network from a system that is running the Microsoft Windows 95 or Microsoft Windows 98 operating system. This involves configuring dial-up network access and then performing the dial-up procedure.

### Conventions

The instructions in this section use the following typographical conventions:

- bold** Represents objects on the screen that you click with the mouse pointer, including buttons, Internet links, icons, tabs, menu items (e.g., **Cancel** button, **Auctions** link, **Save** option in the File menu).
- italic* Represents field names or areas of a screen (e.g., *Applicant* field, *Selected Licenses* area of a screen).
- bold italic** Represents characters that you must type exactly as they appear in the instructions. For example, if you are instructed to type ***http://wtbwww03.fcc.gov***, you should type all of the characters shown in bold italic exactly as they are printed.

SMALL CAPS Represents keys on the keyboard (e.g., ENTER, CTRL, ESC).

**Note:** Throughout these instructions, “enter” means to type the appropriate information and then press the ENTER key.

## Configuring Dial-Up Networking

1. To start dial-up networking:
  - a. Click the Windows 95/98 **Start** button.
  - b. Click the **Programs** option to display the Programs menu.
  - c. Click the **Accessories** option to display the Accessories menu.
  - d. In Windows 95, click **Dial-Up Networking**.  
In Windows 98, click **Communications**, then **Dial-Up Networking**.

If Dial-Up Networking is not an option on your Accessories menu, you should install it from your Windows 95/98 CD or diskettes.

2. When the Dial-Up Networking window appears, double-click the **Make New Connection** icon.

3. The Make New Connection window appears.

If you are connecting to submit FCC Form 175 applications, type **FCC Auctions 800#** in the field titled *Type a name for the computer you are dialing*.

If you are connecting to review FCC Form 175 applications or to use the FCC Remote Access System, type **FCC Auctions 900#** in the field titled *Type a name for the computer you are dialing*.

**Note:** If you connect to the FCC's 900# telephone service, there is a charge of \$2.30 per minute. The first minute of connection time to the 900 number service is at no charge.

4. In Windows 95, click the down arrow at the right of the *Select a modem* field and select your modem from the menu of available modems.

In Windows 98, click the down arrow at the right of the *Select a device* field and select your modem from the menu of available devices.

If your modem does not appear on this list, you must install your modem driver according to the modem manufacturer installation procedures, which are usually described in your modem's user manual.

5. Click the **Next** button.
6. If you are connecting to submit FCC Form 175 applications, type **800** and **378-7435** in the *Area Code* and *Telephone Number* fields, respectively.

If you are connecting to review FCC Form 175 applications or to use the FCC Remote Access System, type **900** and **555-5335** in the *Area Code* and *Telephone Number* fields, respectively.

7. Verify that the correct country is selected in the *Country code* field.

If necessary, click the down arrow at the right of the *Country code* field and select the appropriate country from the menu of available countries.

8. Click the **Next** button.
9. Click the **Finish** button.

An icon labeled either *FCC Auctions 800#* or *FCC Auctions 900#* appears in the Dial-Up Networking window.

10. Verify that properties are configured correctly before attempting a dial-up session. Put the mouse pointer on the FCC Auctions icon that you wish to configure and click the **right** mouse button to display a menu. Click **Properties** from the menu.
11. Click the **Configure** button. Click the **Options** tab at the top of the Properties window.
12. In the *Connection control* area of the Options tab, verify that *neither* option is selected. If either option is selected, click the check box at the left of the option to deselect it. Then click **OK**.
13. In Windows 95, click the **Server Type...** button.  
  
In Windows 98, click the **Server Types** tab at the top of the Properties window.
14. In the *Advanced Options* area, verify that only *Enable software compression* is selected. If it is not selected, click the check box at the left of the option to select it. If either of the other options is selected, click the check box to deselect it.
15. In the *Allowed Network Protocols* area, verify that only *TCP/IP* is selected.  
  
If it is not selected, click the check box at the left of the option to select it. If either of the other options is selected, click the check box to deselect it.
16. Click the **TCP/IP Settings** button and select *Specify name server addresses*.
17. Type **165.135.22.249** as the Primary DNS.
18. Click **OK** on the TCP/IP Settings window and the Server Type window.
19.
  - a. Click the Windows 95/98 *Start* button, then click the *Settings* option to display the Settings menu.
  - b. Click *Control Panel* and then double-click the *Network* icon.
  - c. Highlight the TCP/IP Protocol and click *Properties*. If there are multiple TCP/IP protocols, highlight TCP/IP --> Dial-Up Adapter and click *Properties*.
  - d. Click the *DNS Configuration* tab.
  - e. Select *Enable DNS*. Type **bidder** in the *Host* box, type **fcc.gov** in the *Domain* box, then type **165.135.22.249** in the DNS Server Search Order box and click the *Add* button.
  - f. Click *OK* on the TCP/IP Properties windows, then click *OK* on the Network windows.

- g. If you are prompted to restart your computer, click *Yes* to restart, then begin the Dial-Up Procedure.

## **Dial-Up Procedure**

1. If the Dial-Up Networking window is not currently open, do the following:
  - a. Click the Windows 95/98 **Start** button.
  - b. Click the **Programs** option to display the Programs menu.
  - c. Click the **Accessories** option to display the Accessories menu.
  - d. In Windows 95, click **Dial-Up Networking**  
In Windows 98, click **Communications**, then **Dial-Up Networking**.

The Dial-Up Networking window appears.

2. In the Dial-Up Networking window, double-click the **FCC Auctions 800#** or **FCC Auctions 900#** icon.

**Note:** If you connect to the FCC's 900 number telephone service, there is a charge of \$2.30 per minute. The first minute of connection time to the 900 number service is at no charge.

3. Click the **Connect** button on the window. *Do not enter User name and Password.*

The Connection window appears, indicating the status of your connection as your modem dials into the system. This window must remain running during your dial-up session. You may minimize the window, if you wish.

If your modem fails to establish a connection, please see the *Troubleshooting* section below.

4. Once the connection is established, open your Web browser.
5. In your browser's *Location* field, enter the appropriate Universal Resource Locator (URL) as follows:
  - For FCC Form 175 Submit, enter ***http://wtbwww04.fcc.gov***
  - For FCC Form 175 Review or the FCC Remote Access System, enter ***http://wtbwww03.fcc.gov***

If nothing appears in your Web browser, please see the *Troubleshooting* section below.

6. When you have finished, exit the Web browser, then click the **Disconnect** button on the Connection window to end your dial-up session.

## **Troubleshooting**

Following are problems you may encounter and possible solutions for resolving or isolating them.

### ***Modem does not respond***

1. Confirm that all physical connections for the modem are present.
2. Confirm that the phone line is active by connecting it to a telephone and checking for a dial-tone.
3. If you are dialing the 900 number service, check for a 900 number telephone block. If the volume settings are low, the modem may be dialing but not connecting. Check for this by trying to connect to the 800 number, or by dialing the 900 number on that line using a telephone.
4. Confirm that the correct modem driver is installed for your modem.

### ***Modem dials but does not connect***

1. If you are dialing the 900 number service, check for a 900 number telephone block. Check for this by dialing the 800 number to see if you connect, or by dialing the 900 number on that line using a telephone.
2. Confirm that the number the modem is dialing is correct.
3. Confirm that the modem prefix, if any, is correct.

### ***Modem dials and connects, but nothing appears when you enter the Location in the Web browser***

1. Verify the Dial-Up Networking settings specified in the *Configuring Dial-Up Networking* section.
2. Confirm that your Web browser is not using proxies.

***Receive an Internal Server error in the Web browser***

1. Confirm that the *Location* is correct.
2. Confirm that *JavaScript* is enabled in your Web browser.

## **Help**

For technical assistance with installing or using FCC software, contact the FCC Technical Support Hotline at (202) 414-1250 (V) or (202) 414-1255 (TTY). The FCC Technical Support Hotline is generally available Monday through Friday, from 8 a.m. to 6 p.m. ET. *All calls to the FCC Technical Support Hotline are recorded.*

## ATTACHMENT D

### SUMMARY LISTING OF DOCUMENTS FROM THE COMMISSION AND THE WIRELESS TELECOMMUNICATIONS BUREAU ADDRESSING APPLICATION OF THE ANTI-COLLUSION RULES

All of the following documents can be found at an FCC web site:

<http://www.fcc.gov/wtb/auctions/collusio/collusio.html>

#### **Commission Decisions:**

*Second Report and Order* in PP Docket No. 93-253, FCC 94-61, 9 FCC Rcd. 2348, 2386-2388 (1994), paragraphs 221-226.

*Fifth Report and Order* in PP Docket No. 93-253, FCC 94-178, 9 FCC Rcd. 5532, 5570-5571 (1994), paragraphs 91-92.

*Fourth Memorandum Opinion and Order* in PP Docket No. 93-253, FCC 94-264, 9 FCC Rcd. 6858, 6866-6869 (1994), paragraphs 47-60.

*Second Memorandum Opinion and Order* in PP Docket No. 93-253, FCC 94-215, 9 FCC Rcd. 7245, 7253-7255 (1994), paragraphs 48-55.

*Memorandum Opinion and Order* in PP Docket No. 93-253, FCC 94-295, 9 FCC Rcd. 7684, 7687-7689 (1994), paragraphs 8-12.

In re Commercial Realty St. Pete, *Notice of Apparent Liability for Forfeiture*, 10 FCC Rcd. 4277 (1995); In re Commercial Realty St. Pete, *Memorandum Opinion and Order*, 11 FCC Rcd. 15374 (1996).

In re Applications of Mercury PCS II, LLC, *Notice of Apparent Liability for Forfeiture*, 12 FCC Rcd. 17970 (1997) (petition for partial reconsideration pending).

Amendment of Part 1 of the Commission's Rules -- Competitive Bidding Procedures, Allocation of Spectrum Below 5 GHz Transferred from Federal Government Use, 4660-4685 MHz, WT Docket No. 97-82, ET Docket No. 94-32, FCC 97-413, *Third Report and Order and Second Further Notice of Proposed Rule Making*, 13 FCC Rcd. 374, 463-469 (1997), paragraphs 155-166.

In re Application of US West Communications, Inc., *Notice of Apparent Liability for Forfeiture*, FCC 98-41 (March 16, 1998).

In re Application of Western PCS BTA I Corporation, *Notice of Apparent Liability for Forfeiture*, FCC 98-42 (March 16, 1998).

#### **Wireless Telecommunications Bureau Decisions:**

Amendment of Parts 21 and 74 of the Commission's Rules with Regard to Filing Procedures in the Multipoint Distribution Service and in the Instructional Television Fixed Service, *Order*, 11 FCC Rcd. 9655 (Wireless Tel. Bur. 1995).

In re Applications of GWI PCS, Inc. For Authority to Construct and Operate Broadband PCS Systems Operating on Frequency Block C, *Memorandum Opinion and Order*, 12 FCC Rcd. 6441 (Wireless Tel. Bur. 1997).

In re Applications of Mercury PCS II, LLC, For Facilities in the Broadband Personal Communications Services in the D, E, and F Blocks, *Memorandum Opinion and Order on Reconsideration*, 12 FCC Rcd. 18093 (Wireless Tel. Bur. 1997).

In the Matter of Applications of High Plains Wireless, L.P., For Authority to Construct and Operate Broadband PCS Systems on Frequency Blocks D, E, and F, *Memorandum Opinion and Order*, 12 FCC Rcd. 19627 (Wireless Tel. Bur. 1997).

In the Matter of Applications of Mercury PCS II, LLC, For Authority to Construct and Operate Broadband PCS Systems on Frequency Blocks D, E, and F, *Memorandum Opinion and Order*, 13 FCC Rcd. 5756 (Wireless Tel. Bur. 1997).

### **Public Notices:**

"Wireless Telecommunications Bureau Clarifies Spectrum Auction Anti-Collusion Rules," *Public Notice*, 11 FCC Rcd. 9645 (1995).

"FCC Staff Clarifies Application of Anti-Collusion Rule to Broadband PCS 'C' Block Reauction," *Public Notice*, 11 FCC Rcd. 7031 (1996).

"Wireless Telecommunications Bureau Provides Guidance on the Anti-Collusion Rule for D, E and F Block Bidders," *Public Notice*, 11 FCC Rcd. 10134 (1996).

### **Letters from the Office of General Counsel and the Wireless Telecommunications Bureau:**

*Letter to Gary M. Epstein and James H. Barker from William E. Kennard, General Counsel, Federal Communications Commission* (released October 25, 1994).

*Letter to Alan F. Ciamporcero from William E. Kennard, General Counsel, Federal Communications Commission* (released October 25, 1996).

*Letter to R. Michael Senkowski from Rosalind K. Allen, Acting Chief, Commercial Radio Division, Wireless Telecommunications Bureau* (released December 1, 1994).

*Letter to Leonard J. Kennedy from Rosalind K. Allen, Acting Chief, Commercial Radio Division, Wireless Telecommunications Bureau* (released December 14, 1994).

*Letter to Jonathan D. Blake and Robert J. Rini from Kathleen O'Brien Ham, Chief, Auctions Division, Wireless Telecommunications Bureau, DA 95-2404* (released November 28, 1995).

*Letter to Mark Grady from Kathleen O'Brien Ham, Chief, Auctions Division, Wireless Telecommunications Bureau, 11 FCC Rcd. 10895* (1996).

*Letter to David L. Nace from Kathleen O'Brien Ham, Chief, Auctions Division, Wireless Telecommunications Bureau, 11 FCC Rcd. 11363* (1996).

*Letter to Elliott J. Greenwald from Christopher J. Wright, General Counsel, Federal Communications Commission* (released April 6, 1998).

**Civil Actions Initiated by U.S. Department of Justice:**

*U.S. v. Omnipoint Corp.*, Proposed Final Judgements and Competitive Impact Statements, Department of Justice, 63 FR 65,228 (November 25, 1998).

"Justice Department Sues Three Firms Over FCC Auction Practices," *Press Release*, U.S. Department of Justice (November 10, 1998).

Complaint, *U.S. v. Omnipoint Corp.*, No. 1:98CV02750 (D.D.C. November 10, 1998).

Complaint, *U.S. v. Mercury PCS II, L.L.C.*, No. 1:98CV02751 (D.D.C. November 10, 1998).

Complaint, *U.S. v. 21st Century Bidding Corp.*, No. 1:98CV02752 (D.D.C. November 10, 1998).

**Miscellaneous:**

Many of these documents can be retrieved from the FCC web site (<http://www.fcc.gov/wtb/auctions/collusio/collusio.html>), where documents may be located by using our search engine (select the link "search"). All of these documents can be ordered in hard copy from the Commission's contractor, International Transcription Service, Inc. at (202) 857-3800.

Documents retrieved from the FCC web site are available in more than one format: .pdf, .txt, and .wp. (The key to the extensions is the following: .pdf = Acrobat Reader, .txt = Text, and .wp = Word Perfect.) In order to review a document in its entirety, including footnotes, it is necessary to access the document in Word Perfect or Acrobat Reader.